SPEECHES, STATEMENTS & MESSAGES OF THE QUAID-E-AZAM

Volume I

(1934-1937)

Collected & Edited by

KHURSHID AHMAD KHAN YUSUFI

BAZM-E-IQBAL
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To My Children

Shahid, Khalid, Sohail, Hassan,

Fozia & Nilofar

SPEECHES, STATEMENTS AND MESSAGES OF THE QUAID-E-AZAM

VOLUME - I

1934 - 1937

VOLUME - II

1938 - 1941 (April 6)

VOLUME - III

1941 (April 14) - 1945

VOLUME - IV

1946 - 1948

Including

Addenda - Urdu Speeches - Appendices -
Biographical Notes, Bibliography - Index

PREFACE

I take immence pleasure in presenting this collection of Quaid-i-Azam's speeches and statements (1934-1948) in four volumes. The idea of this work first originated in my mind when I was compiling the chronology of Quaid-i-Azam's political activities and engagements in the final phase of the Pakistan movement. This book was published under the name *Quaid-i-Azam Key Shabo-Rooz* by Muqtadra Qaumi Zuban, Islamabad, in 1986. Some entries of this chronology contained references to some of Quaid's speeches and statements which I tried to trace in the already published collections, but to my disappointment the required speeches and statements were not traceable anywhere. The situation appeared gloomy. I wondered how we could write a true history of the Pakistan movement without access to or availability of all speeches and statements of Quaid-i-Azam Muhammad Ali Jinnah.

Anyhow, I decided to trace out and collect the Quaid's speeches and statements myself. The task was very difficult and I was not keeping good health. But I worked hard. And by the Grace of God, I succeeded in tracing, collecting and producing the desired speeches and statements in my book namely *Quaid-i-azam Muhammad Ali Jinnah-some rare Speeches And Statements (1944-47)* which was published by the Research Society of Pakistan, University of the Punjab, Lahore, in 1988.

This attempt was widely appreciated in the research and scholarly circles but I was still not satisfied as it was a very limited-scale attempt, containing not more than a hundred selected speeches and statements the Quaid made during the last three years of the Pakistan movement. At the same time, while retrieving and collecting material for my last book, I again found that most of the Quaid's speeches and statements particularly those he made in the thirties and forties were either not included in the already published collections or, if included, they were not free from various inadequacies and shortcomings. This did not behove Quaid's personality and achievements. Quaid-i-Azam Muhammad Ali Jinnah was not an ordinary personage. He was one of the most striking, fascinating and remarkable personalities of history. What is more, he was the spearhead of the Pakistan movement during which he had addressed meetings after meetings, made speeches after speeches, throwing searchlights on contemporary developments. The fact is that currents and cross currents of our heroic struggle for freedom could not easily be understood without consulting all of Quaid's speeches. But access even to the already published collections was not easy as they were edited by different writers in different volumes which surely created inconvenience to researchers and scholars alike. Such were the circumstances under which I decided to undertake the responsibility to produce a complete collection of Quaid's speeches and statements. What I have described as "complete collection" may still be incomplete but my effort was to present a marked improvement over the existing material.

To give just one example, I refer to the year 1946 which was the most significant year in our struggle for independence. This year witnessed many political developments like provincial elections, arrival of the British Cabinet Mission, discussions on the Mission Plan, Direct Action of the Muslim League, formation of Interim Government, parleys of Indian leaders with the British Government in London and H.M.G's Statement of December 6 which hinted towards the possibility of partition of India.

The Quaid-i-Azam had made several important speeches and statements during that year but the existing books contain references to only 29 of them whereas I have been able to dig out as many as 166 speeches and statements pertaining to that year. Indeed it was an uphill task. I was still keeping poor health. My resources were limited. I had to struggle ahead, single-handed without any physical or financial assistance. My determination to complete this task at any cost was my only asset.

During my struggle for retrieving and collecting the relevant materials, I had to face many odd circumstances. Original sources mainly including original documents and newspapers were not in good condition. It was difficult to make their photo copies. So much so that no sufficient microfilm facilities existed in our libraries. Despite all these difficulties, I continued my work assiduously. Despite my constant illness and meagre resources, I went from place to place, retrieving and collecting relevant materials. I frequently visited all important libraries in and outside the country. By the grace of God, I finally succeeded in compiling and editing this collection in four volumes, containing more than one thousand speeches and statements of Quaid-i-Azam.

Among these speeches some slight difference was discovered in a few cases in the available published versions from more than one sources. This difference was understandable; one version could be of some news agency and the other of the staff reporter of the newspaper. In certain cases one version was found to be quite brief while the other was in some details. In all such cases both versions have been given.

Some Urdu speeches have also been included towards the end of the book. These are of two types—one category is of the speeches of which only a report in Urdu was available and the English version was not found anywhere. The other category comprises speeches delivered by the Quaid in Urdu and reported in the Urdu press in details. The English newspapers published the news agency report or their own representative's report which was a translation of the Urdu speech. In such cases also both the Urdu and English available versions have been included.

This stupendous work will surely be of great help to researcher and general readers in comprehending the annals of our heroic struggle for freedom in the Indo-Pakistan sub-continent.

A number of persons provided me facilities in my work from time to time. I am grateful to all of them. Particularly I express my debt of gratitude to the staff members of Quaid-i-Azam Library, Lahore, Punjab University Library, Lahore, Punjab Public Library, Lahore, Lahore Museum Library, National Archives of Pakistan, Islamabad, National Documentation Centre, Cabinet Division, Islamabad; Archives of Freedom Movement, Karachi and Dr. Mahmood Hussain Library, University of Karachi for their constant cooperation and assistance. I am also very grateful to Mr. Khalid Shamsul Hasan of Shamsul Hasan Foundation for Historical Studies & Research. Karachi; Mr. Sadaqat Mirza, Deputy Director (Tech), N.D.C., Mr. M. Sadiq Qureshi, renowned journalist, Prof. Sher Muhammad Garewal of Government College, Lahore and Mr. Inayatullah Lak, Librarian, Punjab Assembly Library, Lahore. In the end, I am thankful specially to Dr. Ghulam Hussain Zulfiqar, Director, Bazm-i-Iqbal, Lahore without whose keen interest, help and cooperation, this work could not have seen the light of the day.

58, Main Road,
Samanabad, Lahore.

Khurshid Ahmad Khan Yusufi

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ABBREVIATIONS

AFM	Archives of Freedom Movement
AICC	All-India Congress Committee
AIML	All-India Muslim League
A.P.	Associated Press
A.P.A.	Associated Press of Amercia
A.P.I.	Associated Press of India
B.B.C	British Broadcasting Corporation
C.P.	Central Provinces
F.	File
F.O.C.	From Own Correspondent
F.O.S.	From Own Sources
H.E	His/Her Excellency
H.E.H	His Exalted Highness
H.H	His/Her Highness
H.M.	His/Her Majesty
H.M.G	His/Her Majesty's Government
I.C.S.	Indian Civil Service
I.N.A.	Indian National Army
K.B.	Khan Bahadur
M.L.A.	Member Legislative Assembly
M.P.	Member Parliament
N.W.F.P.	North West Frontier Province
O.P.	Orient Press
O.P.I.	Orient Press of India
p./pp.	page/pages
Q.A.P.	Quaid-e-Azam Papers
U.P.	United Provinces
U.P.A.	United Press of America

1934

1

Interview to the Press on his arrival at Bombay, January 4, 1934.

The Muslim politician who is destined to play a prominent part in the shaping of India's future landed in Bombay this afternoon, after an absence of over two years from this country.

Looking as debonair as ever, and with cheery greetings for the assembled journalists. Mr. M.A. Jinnah stepped out of his cabin in the P. and O. boat, "Maloja", and expressed his extreme delight at being back in good old Bombay and India.

"Why were you left out of the Third Round Table Conference?" was the almost the first question shot at him.

"The proposed federation is a pure deception", snapped Mr. Jinnah to the accompaniment of his characteristic gesture. "I opposed the proposed scheme of an all-India federation with safeguards and reservations because it was not real federation. I fought it tooth and nail at the very first Round Table Conference, and the authorities thought it would be undesirable to have this opposition".

Warming up to the subject, Mr. Jinnah proceeded. "I also disagreed fundamentally regarding the proposed safeguards and reservations.

"Is it true that the diehard crusade against the White Paper proposals are gaining strength?"

Little to Choose,

"You assume that the White Paper is a boon, but I consider there is not much difference between those whom you to impose the White Paper, or the substance of it on us, and those whom we in India call reactionaries. I personally think there can be no hope for India until we bring about unity in the country. It is no use looking to England for help so long as we are divided hopelessly".

"Can you suggest the way this much desired unity can be achieved?" asked interviewer.

"I cannot say that," said Mr. Jinnah, "but I can say this much that I will be only too glad to render my service towards achieving that unity, especially between Hindus and Muslims."

Mr. Jinnah proposes to resume his practice at Bombay bar. (A.P.I.)

The Star of India, January 5, 1934.

2

Speech at a meeting of the Muslim Students' Union, Bombay, January 20, 1934.

A plea for unity among Indians was made by Mr. Muhammad Ali Jinnah at a meeting of the Muslim Students' Union, this evening. Mr. M.C. Chagla presiding.

Unless unity was brought about among the various schools of political thought in the country, the speaker said, "the White Paper scheme is going to be thrust upon us."

After analysing the present political situation at length, Mr. Jinnah said that the present strong differences of opinion among the various communities and section of the people were a national tragedy. He pointed out that there was no leader in India who had the sanction of public opinion in the country.

Public Opinion Divided.

Mr.. Jinnah added: "With a view to crystalising and consolidating this opinion, we must have definite aims and to achieve those aims we must lay down a definite policy and programme."

Mr. M.C. Chagla in his speech appealed to Mr. Jinnah to help the country in the solution of its constitutional and other domestic problems. (A.P.I.)

The Star of India, January 22, 1934.

3

Statement on his election as President of the Muslim League, Bombay, March 8, 1934.

"I shall do my utmost to adhere to and carry out loyally the objects of the League, but to achieve this I need the help and support not only of the Mussalmans, but also of other communities," declared Mr. M.A. Jinnah in an interview to the Associated Press on his election as President of the Muslim League, following its amalgamation.

Mr. Jinnah who appreciated the great honour done to him thought that it would not be a bed of roses for him in his opinion the Mussalmans occupied a unique and very important position in the political life of India, but coupled with the uniqueness of their position there lay a great responsibility on them as he believed the future of India depended as much on their policy programme and attitude as on that of the Hindus or of any other community. Although he had begun to see a silver lining in the clouds on the political horizon of the country, he thought a very big effort was necessary namely restoration of complete harmony, co-operation and unity in the country. "I have great faith in the political judgement of the Mussalmans and am sure they won't be slow nor lag behind any other community in their desire to stand by and work for the best interests of India."

While he thought that under the present conditions the Mussalmans might legitimately claim the protection of safeguards in order to give them a sense of security under the new constitution he wanted them to remember the wider interests of the country as a whole "interests which I have always considered sacred. He concluded with the assurance that he would do everything in his power to bring about friendly relations better understanding between the Mussalmans and other communities. "I have made a fervent appeal to the leaders and am seriously awaiting warm and earnest response." (A.P.I.)

The Star of India, March 9, 1934

4

Speech at the meeting of the Council of the All-India Muslim League, New Delhi, April 1, 1934

(Proceedings were not open to the press)

It was understood, as reported by the Associated Press, that Mr. M.A. Jinnah made a striking appeal for unity among all Muslim organisations with a view to confront Government with united demands. He reviewed the White Paper scheme very critically.

It was further understood that Mr. Jinnah emphasised the need for propaganda outside the country and hoped to do his best in this direction when he returned to England for which place he would sail on the 23rd April. Some speakers expressed a feeling that Mr. Jinnah should stay in the country at this critical hour. Mr. Jinnah replied he could at any time come back to the country by air when needed and that he would be promoting the interests of the country in England.

Mr. Jinnah was believed to have characterised the White Paper as intended to exploit Indians. He was said to have highly deprecated the proposed constitution of Federation.

The Indian Annual Register, 1934, Vol.I. p. 317

5

Speech at the second session of the Council of the All-India Muslim League, New Delhi, April 2, 1934

Mr. Jinnah in his address, made a survey of the whole situation. He appealed to the Muslims to do their best for the cause of the country and also financially assist the League. As for the call on him to lead the community, he said he was doing it to the best of his ability.

The Indian Annual Register, 1934, Vol.I. p.318

6

Interview to the Associated Press regarding his impression of the meeting of the League Council, New Delhi, April 3, 1934

Giving his impression of the meeting of Muslim League Council, Mr. Jinnah, in an interview to the Associated Press, said:

"After two days' deliberations of the Council meeting, which was the most representative that I have seen during my connection with the League, extending now to over 20 years, I must say I was immensely impressed with most of the speeches that were made there by various leaders, who came from different provinces in India. The League is perfectly sound and healthy, and the conclusion I have come to is that Mussalmans will not lag behind any other community in serving the very best interests of India. To condemn the While Paper, one does not require special arguments, one has only got to read the White Paper proposals and understand them, and that is enough. But while many of us feel that this treacherous scheme is almost at our door — and I for one have not hesitated to declare my views with regard to the scheme — the problem of all problems which still confronts us is how to avert the scheme being foisted upon India. That cannot be achieved, and will not be achieved, until there is unity between Hindus and Muslims.

India looks forward to a real, solid, united front. Can we even at this eleventh hour bury the hatchet, and forget the past in the presence of imminent danger, and close our ranks to get sufficient strength to resist what is being hatched both at Downing Street and in Delhi? It is up to the leaders to put their heads together, and nothing will give me greater happiness than to bring about complete co-operation and friendship between Hindus and Muslims; and in this desire, my impression is that I have the solid support of Mussalmans. The Council has passed a resolution which is before the public. It clearly indicates how that unity can be achieved immediately. On my return to India, I have seen abundant evidence that public opinion, both Hindu and Muslim, thinks alike in terms of the political evolution of the country.

The emphasis which Muslims place on the Communal Award is only an indication of their desire to make sure that any national demand which they join to put forward on behalf of the country will incorporate the safeguards which Muslims consider to be a minimum. Muslims are in no way behind any other community in their demand for national self-government. The crux of the whole issue, therefore, is: can we completely assure Muslims that the safeguards to which they attach vital importance will be embodied in the future Constitution of India?

The India Annual Register, 1934, Vol: I, p. 319

7

Speech at a public meeting held under the auspices of the Muslim Youth League, Delhi, April 3, 1934.

"Work hard study and keep in touch with the political events and movements. Be ready to play your part in national development of the country. Train the backward Mussalmans and those who are not blessed with the gift of University education. March with a .....programme and you will have enough stirring things in the life". This was the advice given by Mr. Jinnah to Muslim youths addressing a large crowd of Mussalmans of Delhi under the auspices of the Muslim Youth League.

Proceeding Mr. Jinnah said "India is passing through a very rapid development of events, and it is the youths who will have to bear the burden of what is happening to-day. India is politically young. India is on the path of renascence pulsating more and more with life. Muslims and specially Muslim youths have to play a very big part."

Muslims Part

Muslims, he said occupied a very powerful position in the country and the progress of the country depended as much upon them as on other communities. The future constitution of India was passing through various stages. There was scheme of reforms contained in the White Paper. At a meeting of the Council of Muslim League they examined various aspect of the problems. The speaker said that he had exhausted himself on the Communal Award and what should be the Muslims policy.

Mr. Jinnah then referred to the editorial of a local English daily in which it is stated that he favoured an All-India federation at the first. He said that it was absolutely incorrect for from the very first he was never directly or indirectly in favour of federation. In the same connection Mr. Jinnah said that he wanted the press to be independent and free but he quarreled when they misstated facts.

Discover Your Leader

Proceeding Mr. Jinnah said "I attach importance to the right sort of moulding and outlook to be produced in our youngmen. Students of to-day are leaders of to-morrow. Muslims should prepare themselves individual opinion does not count if they were themselves to be heard they should have the voice of the people behind them. The Muslim community is not sufficiently organised, trained and equipped and is more or less in no man's land. Make it your own land and allow no one to trespass. Think well before selecting your leader and when you have selected him, follow him. But in case you find his policy detrimental to your interests, kick him out".

The speaker next advised youngmen to distinguish between personal disputes and differences. These he said, should not come in the way of national interests. He referred to his relations with the late Pandit Moti Lal Nehru with whom he was often at loggerheads on the floor of the Assembly, but outside they were friends.

The Star of India, April 4, 1934.

8

Appeal to the Muslims of India, New Delhi, April 5, 1934.

"I appeal to Mussalmans all over India to stand united and I see a very bright future in front of us" was the parting message given by Mr. M.A. Jinnah who left Delhi by Frontier Mail. (A.P.I.)

The Star of India, April 6, 1934.

9

Statement to the Press, Bombay, April 6, 1934

Mr. M.A. Jinnah said " I wholeheartedly congratulate Dr. M.A. Ansari, Dr. B.C. Roy, Mr. Desai and others on their success, and wish them good luck." (A.P.I.)

The Star of India, April 7, 1934.

10

Statement regarding his talks with Pandit Madan Mohan Malaviya, Bombay, April 6, 1934.

That Pandit Madan Mohan Malaviya proposed a trip to London with a view to persuading the British Cabinet to force Europeans in Bengal to part with some of their seats under the communal award was revealed in the course of an interview with the Associated Press by Mr. M.A. Jinnah on his arrival from Delhi.

"I am extremely grieved", he added, "that a leader like Pandit Malaviya should have disclosed the details of our conversations. I cannot help saying that this is a breach of confidence and I feel that unless I state the whole of the conversation I am likely to be misunderstood by the public. In these circumstances I am compelled to state briefly what actually took place."

Bengal Governor Refuses Interference

Pandit Malaviya's proposal was that he had almost brought about an agreement at Allabahad. Hindus were willing to give 51 per cent, and keep only 44 per cent for themselves in Bengal on the basis of joint electorates. But the difficulty was that this could be given effect to provide Europeans parted with certain number of seats which were allotted to them under the communal award.

He approached the Europeans in Calcutta but they point blank refused to part with anything. Then he went to the Governor of Bengal, who was sympathetic, but said that in a matter of this kind it was most difficult for him to interfere. Therefore Panditji told me that the Bengal question could be settled if I joined hands with him and approached them again.

Proposal to Approach British Cabinet

I told him that if the Europeans again refused what shall we do?

Panditji said that then we shall go to Lord Willingdon and ask him to press the Europeans to accept a less number of seats having regard to the fact that they have been given excessive representation under the communal award.

Suppose the Viceroy also gives the same reply as the Bengal Governor what shall we do?

We shall then, said Panditji go to England and persuade the British Cabinet to force Europeans to part with their excessive number of seats or modify the communal award in order to give effect to our proposals, namely 51 seats for Muhammadan and 44 for Hindus and joint electorates.

Joint Electorate Basis for Punjab

As regards the Punjab his proposal was that he would not be able to persuade the Hindus and Sikhs to accept the communal award, as it stands. Therefore, he suggested that the Muslims of the Punjab should accept joint electorates only with 49 per cent seats which were allotted to them under the communal award by separate electorates, and they should not contest, at any rate during the first election, the seats for commerce, University, Labour etc.

I said that I would not be able to persuade the Muslims to accept this arrangement, but Panditji informed me that Sir Fazli Hussain had almost agreed to it.

I said that if the Punjab leaders were willing to agree to your proposal or any other, I shall put my signature thereto blindly, if they agree and if they were satisfied with such a settlement.

Thereupon Panditji told me that he would see Sir Fazli and let me know. I don't know what happened between him and Sir Fazli but on the morning of April 5 when I was just leaving for Bombay I got a message from Panditji saying that Sir Fazli did not agree.

The Bengal Proposal

Regrading his Bengal proposal, I told Panditji that apart from practical objections to the course he suggested that was not the kind of unity I wanted, which can only be brought about with the consent of Europeans or Lord Willingdon or the Britain Cabinet.

I also told him that there were many other practical objections to the course. I for one do like to go to any outsider for what I consider as primarily a business of our own people, but anyhow that question would stand over until the Punjab question could make any progress!

The point of view I urged was that it was a fact that we could not settle and thereafter our leaders of various groups including Malaviyaji, Mahatmaji, the Hindus Mahasabha leaders, Sikh leaders and the rest of the group asked the Premier to make an award. He has made the award. For the time being let us accept it and come together and we shall under a new atmosphere, if created be in a better position to discuss a substitute and God willing we may produce an agreement.

Mr. Jinnah takes initiative

Therefore, the first thing is, let us get together. We have spent enough time in discussing safeguards for our communities. Let us now concentrate upon the interests of our mother-land. If a settlement be brought about, I assured him that nothing will please me more and I was willing to do all that I could to bring about that.

It is a pity that some Delhi newspapers have created some mischief in stating that I took the initiative to approach Pandit Malaviya. I would not be sorry if I had but all the more the credit is due to Pandit Malaviya for taking the initiative and surely this is hardly a matter worth taking notice of by the public." (A.P.I.)

The Star of India, April 7, 1934.

11

Statement regarding Patna Decisions, Bombay, May 24, 1934.

The Nawab of Bhopal, Dr. Ansari, Mr. Muhammad Ali, Mr. Jinnah and Sir Krishnamachari were among the passangers who proceeded to Europe by the Italian boat "Conte Verde" this afternoon.

Mr. Jinnah, who is in a convalescent stage after his recent illness said that he was now alright and thanked all his friends who had taken pains to enquire about his health from time to time.

"Congress Has Again Missed the Buss"

Asked what he thought about the Patna decisions, he said; "I am really disappointed, becuase the hand of friendship and co-operation which was extended by the resolutions of the Muslim League at Delhi had not been welcomed."

"The Congress has again missed the "buss" was his cryptic remark on the results of the Patna delibrations.

Mr. Jinnah hoped to return to India at the end of December. (A.P.I.)

The Star of India, May 25, 1934.

1935

12

Speech in the Central Legislative Assembly on a motion of Condolence, New Delhi, January 21, 1935

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Members of the Legislative Assembly, since last this House met, the hand of death has been very active and has deprived us of very valuable and esteemed Members. I will now call upon the Leader of the House.

The Honourable Sir Nripendra Sircar (Leader of the House): Mr. Chairman, I am grateful to you for giving me this opportunity of mentioning the deaths of no less than five persons who were either Members of this House, or who having been elected, were prevented by death from joining in our activities.

Sir Abdullah Suhrawardy was a Member of this Assembly from 1926 to 1934. He was re-elected to this Assembly but could not join it, he died very recently. He represented the Muslim rural constituency of Burdwan and Presidency Divisions. He was also a Member of the Bengal Legislative Council from 1910 to 1926. He was the Deputy President of that Council from 1923 to 1926. He was a member of the Southborough Committee and a member of the Indian Central Committee cooperating with the Royal Commission on Reforms. He was the founder of the Central Muslim Party in this House. He had a brilliant academic career, and the depth of his culture and the amount of his knowledge could easily be estimated from the several publications which bear his name. He was awarded the Delhi Durbar Medal in 1911 and was created a Knight in 1931.

I had not the honour of personally knowing Mr.

Abhyankar, but of his great reputation I have some idea and the publications in the Press and the statements made immediately after his death will give Honourable Members some idea of the esteem and respect with which the late Mr. Abhyankar was held.....

Mr. B. N. Sasmal, whose death was verey tragic because he practically died the moment his success at the polls was announced......

Mr. Price was a Member of the Legislative Assembly representing the Bombay Europeans from December 1920 to November 1921. He was a man of very large activities. He was a Municipal Councillor of Karachi.....

As regards the late Rai Bahadur Lala Brij Kishore, this House will remember that the honour conferred on him by His Majesty was announced in the papers only 18 hours after his lamented death........on behalf of this side of the House, I convey to you. Mr. Chairman, and to the House our great sense of loss and our deepest regret for the death of these gentlemen and for the loss which the country has suffered from not having had the benefit of the activities of these gentlemen.

Mr. B. J. Desai (Bombay Northern Division: Non-Muhammadan Rural: Mr. Chairman, it is a matter of sincere regret to me that on the very first occasion on which I have the honour to say a few words in any assembly whatever of a legislative nature I have to associate myself with the Honourable the Leader of the House in expressing our sense of loss—loss which appears to have been unusual in number and in quality from the account that is given—of the men who have left us.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): "I associate myself with the remarks that fell from the Leader of the House and the Leader of the Opposition. I am sure that everyone feels great sorrow that we have been deprived of five

Members of this House at the very beginning of or proceedings today. As the Leader of the Opposition said, in the presence of death, controversy ceases. Whatever party they belonged to or whatever political faith they followed, they were men who played a very important part in the public life of India and we cannot but mourn their deaths and regret the loss that this House has particularly suffered, and I wish on behalf of my Party to express our deepest sorrow and our sincerest sympathy with the members of the family of these five Members of this House. Sir, I associate myself with the previous speakers."

The Legislative Assembly Debates, 1935, Vol. I, pp. 79.

13

Speech in the Central Legislative Assembly on the motion regarding "Confidential Circular issued by the Home Department of Government of India on the Decisions of the Bombay Congress", New Delhi, January 21, 1935.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I beg to move that the House do now adjourn to consider a definite matter of urgent public importance. I am very grateful to you, Sir, for allowing me to make this motion, and also to the Honourable the Home Member for the very ready manner in which he agreed to this adjournment motion being made, but this sudden acquisition of courage seems to be an act of after-thought. If the Government of India were so proud of their doings, I should have expected them to make this announcement in a public statement, either by the Governor General or by the Honourble the Home Member. They took the devious device of issuing a confidential circular, and when they were found out, they suddenly say "Oh, yes, we will stand by this circular". And what is this circular, Mr. Chairman? They first express their profound sorrow,–my profound sympathies are with them,–that we in Bombay did not split over the four points of difference among Congressmen on which they expected us to split. This Government often pride themselves on being absolutely sympathetic towards the legitimate aspirations of the people, that they are anxious that we should work together; but what does this circular say?

> "Before the opening of the Congress there was some justification for anticipating that it might result in accentuating rather than diminishing the internal disputes in the Congress ranks, to which all Local Governments have drawn attention in recent reports."

That, I take it, therefore, to mean that this Government are very anxious that the Congress should split and break. And what are the points on which they expected us to differ? First, the Council entry programme. Often I have heard,–and I have heard the Honourable the Home Member and His Excellency the Viceroy saying,–that "we welcome Congressmen into the Legislatures, we are anxious to co-operate with them", but they are sadly disappointed, because we did not break our heads......

The Honourable Sir Henry Craik (Home Member): Excuse me, Sir, for interrupting the Honourable Member. Can he quote a single word in which we express disappointment or profound regret? We merely say that certain anticipations have not been realised.....

. . . . . .

The Honourable Sir Henry Criak:......... The question of the attitude the district officers are to adopt towards the association is still a matter for consideration. The association is not actually, I understand, yet in practical working order and we must naturally wait on developments.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): If the directions contained in that circular were not to be given effect to by the district officers, what was the object of the circular?

The Honourable Sir Henry Craik: The object is to consult Local Governments, to ask them if they accept our summing up of the situation as correct and also if they thought that the orders which we contemplated would be suitable in the circumstances. The replies of the Local Governments are now under consideration. I hope I have made that clear to my Honourable friend.

Mr. M. A. Jinnah: I am much obliged.

The Honourable Sir Henry Craik: So much for the comments in the Press at the time........

. . . .

The Honourable Sir Nripendra Sircar:........the idea at the back of the mind of the Mover is that when the masses are thoroughly drilled and disciplined, it will later on be used for a political purpose.

An Honourable Member : Why not?

The Honourable Sir Nripendra Sircar: The moment the question "why not?" is put, it is an admission that the circular is true. (Loud Official Applause.)

Mr. M. A. Jinnah: May I ask the Honourable the Leader of the House, does he suggest that the masses of this country should not be trained up and used for any political purpose? (Hear, hear).

The Honourable Sir Nripendra Sircar: I can assure my Honourable friend that he has misunderstood me.

Mr. M. A. Jinnah: You said "a political purpose"–you mean "unlawful activities"?

The Honourable Sir Nripendra Sircar: What I mean is this. It is quite open, it may even be laudable, that depends on the point of view of a particular man, to mix up politics with economics but that is a point which you are not discussing today. We are not suggesting that nobody should mix up politics with economics. That might be to the best interest of a country — to mix up politics with economics. The circular is directed against one point and one point only, namely, that this is a political movement mixed up with economics, that this is a political movement, and the particular politics with which this circular is concerned is the politics which leads to civil disobedience. The sole question is that the circular surmises politics—and that is now admitted.

An Honourable Member: How do you know?

The Honourable Sir Nripendra Sircar: I know because the author of this movement has reserved to himself the right of starting a civil disobedience movement at any time he pleases.

Mr. M. A. Jinnah: May I interrupt my Honourable friend? May I ask the Leader of the House what would be sufficient or what would satisfy the Government, over and above the statement by Mahatma Gandhi—who is "the soul of truth" according to your own admission—who has said that he has no political purpose? What else do you want?

The Honourable Sir Nripendra Sircar: If I have understood my friend aright, his question is: What would satisfy the Government? What does he mean by that?

Mr. M. A. Jinnah: Satisfy the Government that there is no justification for the suspicion that this movement is being carried on under cover of some ulterior motive leading to civil disobedience.

The Honourable Sir Nripendra Sircar: That can be done by two sentences being uttered by Mr. Gandhi. That is to say, he has not merely suspended it and kept it is suspended animation, but he has advised once for all including himself that civil disobedience is going to be discarded.

The Legislative Assembly Debates, 1935,
Vol. I, pp. 47, 53, 73-74.

14

Speech in the Central Legislative Assembly on the motion of adjournment regarding prevention of Mr. Sarat Chandra Bose from attending to the duties as a member of the Legislative Assembly, New Delhi, January 22, 1935.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have received notice of a motion from the Honourable Member Mr. N.C. Bardaloi that he proposes to ask for leave to make a motion for adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows:

"The conduct of the Government in preventing Mr. Sarat Chandra Bose, an elected Member of this Assembly, from attending to his duties as a Member of this House and thereby seriously infringing the privileges of this House and depriving the constituency which elected him of its right to be represented in this House."

I should like to hear from the Honourable Member his reasons for considering this matter to be definite and of urgent public importance.

Srijut N. C. Bardaloi (Assam Valley: Non-

Muhammadan): It is a matter of public importance in so far as a Member of this Assembly has been detained and he has not been allowed to come and attend the Session of this Assembly and thereby his services have been denied to the Assembly and his constituency also has been deprived of his services. So that is a matter which concerns the constituency from which he comes. The matter is, therefore, definite and it is one of urgent public importance, and I have brought the motion as early as possible.

......

Mr. Chairman (Lieut-Colonel Sir Henry Gidney): Before I call upon the Honourable the Mover of the adjournment motion to move his motion, I should like to state that it would be to the advantage of all concerned as also in the interests of the economy of time if each Party that desires to present its case would respectively confine their speeches to just a few speakers and so within the two hours time at our disposal afford the Chair an opportunity of deciding as to whether a closure should or should not be put. It is obviously impossible for the Chair to come to an equitable decision when so many members of the House desire to speak and when, in the opinion of the Chair, it appears that the matter has not been sufficiently discussed. The Chair desires to place before the House its views and wishes on this motion for adjournment to repeat its intention that it will try its utmost,–and the Chair hopes Members of the House will help it,–to confine all speeches made on this important matter which is pregnant with controversy, entirely to that aspect of the question which governs and concerns the privileges associated with it and not with anything else as regards the law or its operation that let to the incarceration of the gentleman in question.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, may I know what you really intend by saying that the discussion should be confined to the "privileges"? It is a very undefined term.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member has asked a question to which the Chair is very pleased to reply. The motion for adjournment before the House is indeed a very specific one. It calls into question, by means of adjourning the business of this House, the conduct of Government, a conduct which, it is alleged, has seriously infringed the privileges of this House and one of its Members and has deprived the constituency which elected this gentleman of his right to be present in this House. The privilege that is being questioned, as I interpret it, and its relevancy to the conduct of Government has to my mind one and only one interpretation, that is the enforced absence from this House of one of its Members and a denial to him of enjoying his privileges as a Member. As to the *rasion d'etra* of that absence I refer to the legal aspect of the question. This is not at all included in this motion for adjournment. The motion merely calls into question the Government's conduct in preventing him, a duly elected Member, from enjoying the privileges of this House and nothing else and all speeches must be rigidly confined to this aspect of the motion.

Mr. B. J. Desai:.......With these words, I support the motion.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I listened to the speech of the Honourable the Leader of the House carefully, after you gave your directions (*Some Honourable Members*: "Louder, please:) as to what the meaning of the word "privilege" was in response to my request for making it more clear than it had appeared to me before that. Now, Sir, the word "privilege" is not defined so far as this House is concerned. When you say "the privilege of the House", I do not think it is being defined in any way and further, there is no Statute that has defined the word "privilege". The Honourable the Leader of the

House very rightly said — I do not think I would dispute the proposition that there are certain privileges which are in fact specifically conferred upon the Members of this House by certain Statutes. Granted, correct. Then he says that this is not a privilege which comes within any one of those Statutes, but if it does, go to a Court of law and have your right decided. For example, when I am on my way to attend my duties in this Assembly, if I am arrested on a civil warrant and I am taken to the Court, I would then assert my rights before the Court that I am illegally arrested, because I was privileged and I was on my way to attend my duties in the Legislative Assembly. Granted. That is certainly a matter which can only be decided by a Court, because this is a question of interpreting and construing a Statute and deciding accordingly. But that is not the privilege we are talking of. The issue before the House is this. A Member of this House, Sarat Chandra Bose, was arrested in January, 1932. The Honourable Member will correct me if I am wrong, because that is my information on the subject.

The Honourable Sir Nripendra Sircar: That is almost right — it was in February, 1932.

Mr. M. A. Jinnah: That was in February, 1932, and we are now in January, 1935. He was arrested under what? Under a Regulation. I think I am justified in saying that he has challenged the Government to put him on his trial. The Government have refused it. (*Cries of* "Shame", "Shame"). Very well. His constituency, duly formed under a Statute, have elected him. He is a fully qualified Member of this House and entitled to come here and exercise his rights as a Member of this House. But I am not going to argue for a single moment that, because he has received a summons from His Excellency the Governor General, therefore, there being two contradictory orders — one order signed by His Excellency the Governor General in Council detaining him in prison, and another order summoning him to come here — I am not going to argue that, therefore any Court of law would be justified in deciding that the previous order was cancelled, and, therefore, this is beside the point. That is not the point. The point I submit before the House is this. Are the Government justified in detaining this man from February, 1932, up to the present moment, and, particularly, in preventing him from performing his duties as a Member of this House without putting him on his trial? What is the justification? What is the explanation? And that was precisely the question that was raised in 1927 with regard to one of the Honourable Members who was detained under similar circumstances. The question was fully debated. It has had nothing to do with the privileges of a Parliament. This House is not a Parliament. It is absurd to refer me to the Parliamentary practice and read to me those great authorities; I have read them; they are, however, totally inapplicable to this House. Is this House a Parliamentary Legislature? If that was so, Sir, that is to say, if it was a sovereign Legislature, and if the Government were to thwart the will of the Members of this House, why, Government would not remain in office there for twenty-four hours! (Applause). You would not be sitting there. What is the good of reciting to me those things and comparing chalk with cheese. Therefore, let us come to the real thing. The real thing is this. I want the Government to tell me how do they justify the detention of this Member for one single day more, and are they prepared to put him upon his trial. We, Sir, discussed this very question in 1927. The Honourable the Home Member, Sir Alexander Muddiman, took up a somewhat similar attitude as the Leader of the House has taken today. He tried in a very dexterous manner to make out that the privilege does not exist. I assume for a moment that the privilege does not exist. Have we not got the right to examine the conduct of this Government, and have we not got the right to say that "your conduct is such that we have no other option but to pass a vote of censure"? Either you explain to us and justify why you are doing this, or else we pass a vote of censure. Sir, this question of privilege was discussed and was made the subject of a very careful and long inquiry by the Muddiman Committee. If you read the Report of the Muddiman Committee, you will find they have laid down that in no event the privileges of the House or the privileges of the Members of the House should be more than those of the House of Commons. But that recommendation remains only in the Muddiman Report. The Honourable the Home Member speaking in the debate said this after he had quoted the recommendation of the Muddiman Committee:

> "I pause there to comment, because that is very important restriction to which I shall refer later. 'Eventually no doubt similar provision will be made in the constitution of British India. But we are of opinion that at present such action would be premature.'
>
> "At the same time they go on to say that they feel that sufficient protection has not been given to the Members and they make certain recommendations. In connection with those recommendations I may remind this House that last year this House and the other Chamber unanimously passed an Act to confer certain exemptions on Members of legislative bodies. That is, they did go some way towards conferring privileges and therefore they recognised that those privileges did not exist. My statement of the case would be inadequate if I did not point out that under the Government of India Act certain privileges do arise, but they do not arise in connection with the subject matter of this discussion."

Then, he said that no privilege exists. Therefore, we enter a vicious circle. The privilege does not exist. The Government have got power under the Regulation to detain any man by executive order indefinitely and without a trial, and, therefore, he cannot attend to his duties — private, public or the duties of this House. Therefore, this House has got no voice and the individual in question no remedy and everything is out of order and the Government can do what they please and it is all perfectly right. Sir, it is an impossible position. I say, therefore, that we have a right to censure the Government for their conduct; we feel that their conduct deserves our disapprobation and I appeal to every Member of this House to pass this motion without hesitation, because, speaking for myself, personally, I cannot subscribe to any law which takes away the life or the liberty of any citizen without trial, more especially which takes away the liberty of a Member of this House. It was said that the law exists; that Regulation of 1818 exists. Did the Parliament of India pass that Regulation? Had the Regulation of 1818 the sanction of this House or any other Legislature behind it?

Sir, I do ask the Government not to go round and round in this vicious circle and draw a sort of a red herring across the path of this House. You should meet us fairly and squarely and we will appreciate it and understand it. I appeal to the Government most earnestly that it is really a most untenable position that you should detain a man – I am not saying that he is innocent or he is guilty – and arrest him not as a matter of emergency, but continue to detain him for nearly over three years, and when we ask you -- and, of course, Mr. Bose has also asked for this – to put him on trial, what is your answer? If you say no, then I am compelled to pass a vote of censure on you.

Several Honourable Members: I move that the question be now put.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. Chairman, I must acknowledge that I was rather disappointed with the speeches of my Honourable friends from the Congress Party and at one time it did look as if this debate was going to meet with a very sudden end. Sir, I am quite prepared to admit – I think my Honourable friend, Mr. Jinnah, has admitted it – that there is no question of personal privileges. We know that and we admit that it is no use arguing that there is a case of personal privileges. There is none.

Mr. M. A. Jinnah: But the point is that it has never been defined.

Sir Cowasjee Jehangir: The Leader of the House has told us that there are privileges of more than one kind.

The Honourable Sir Henry Craik (Home Member): Not with reference to this motion, where the words used are the privilege of this house.

. . . . . .

The Honourable Sir Henry Craik: The Congress speakers were, it seemed to me, floundering in a hopeless morass of illogicality, when who should come to their rescue? Who should be the fairy queen who comes and holds out the helping hand? My Honourable friend, the Member from Bombay. With one hand he pulls the Congress out of the bog, with the other he extracts from his pocket a magnificent specimen of the red herring which he draw across the trail and he attacks Government, not for doing anything that infringed the privileges of this House, which he admits do not exist, but for not repealing this obnoxious law, the Regulation of 1818.

Mr. M. A. Jinnah: That is not correct. I never suggested that this Act should be repealed. I said, the Act is there; you have used the Act, but you are using it in such a manner that I am entitled to pass a vote of censure on your conduct.

The Honourable Sir Henry Craik: I am sorry; the last thing I wanted was to misinterpret the Honourable Member and I will certainly accept his own words. His red herring was not the repeal of the Act but the way in which Government had used the Act. Well, Sir, on a suitable occasion, I am perfectly prepared to justify the use, the very sparing use, that Government have made of this Regulation. I should be guilty of anticipation if I did so now. We have on the notice paper motions for the repeal of this Regulation; we have in fact a Bill for the repeal of this Regulation itself on the notice paper, and so even if time permitted I should be guilty, as I said, of anticipation if I took that ground now.....

. . . . . .

Mr. M. A. Jinnah: In that case the motion ought never to have been admitted.

Sir Cowsjee Jehangir: If there was no privilege why was it admitted?

Mr. M. A. Jinnah: Now it is sought to be made out that there is no question of privilege. And that is why I asked that question in the morning. If you had said to me that the word "privilege" is used in the technical sense according to the Parliamentary practice, I would have at once said that there is nothing to discuss.

Sir Cowasjee Jehangir: Let us discuss it.

The Honourable Sir Henry Craik: It is not a thing that can be discussed in the half hour that remains.

Mr. M. A. Jinnah: I can assure the Honourable the Home Member that unless he justifies the Government position I shall be bound to vote against him.

The Honourable Sir Henry Craik: Although the Honourable Member will vote against Government for having infringed the privileges of this House.....

Mr. M. A. Jinnah: No.

The Honourable Sir Henry Craik: That is the motion before the House.

Mr. M. A. Jinnah: I do not agree; it is the conduct of Government.

The Honourable Sir Henry Craik: I am afraid that even at the risk of losing the Honourable Member's vote....

The Legislative Assembly Debates, 1935,
Vol.I, pp. 75, 77-78, 88-90, 93-95.

15

Speech in the Central Legislative Assembly on the election of the President, New Delhi, January 24, 1935.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): In accordance with the provisions of rule 5-A of the Indian Legislative Rules, the House will now proceed to elect a President by ballot. In compliance with the provisions of sub-rule (3) of that rule, I have to announce to Honourable Members that three nomination papers duly filled in have been received by me on behalf of Mr. Tasadduq Ahmad Khan Sherwani, and four nomination papers duly filled in have been received on behalf of Sir Abdur Rahim.

The names of the proposers and seconders of Mr. Sherwani are as follows:

Proposers	Mr. S. Satyamurti. Pandit Govind Ballabh Pant. Mr. Asaf Ali.
Seconders	Mr. N.V. Gadgil. Mr. Asaf Ali. Munshi Iswar Saran.

The names of the proposers and seconders of Sir Abdur Rahim are as follows:

Proposers	Dr. F.X. DeSouza. Maulvi Muhammad Shafi Daudi. Mr. K.L. Gauba. Sir Cowasji Jehangir.
Seconders	Nawab Sahibzada Sir Sayed Muhammad Mehr Shah. Syed Ghulam Bhik Nairang. Mr. D.K. Lahiri Chaudhury. Dr. Ziauddin Ahmad.

Honourable members will now come up to the table and receive the ballot papers from the Secretary in the order in which I call out their names, and in order better to preserve the secrecy of the ballot, I would invite Honourable Members, on taking the ballot paper, to come into the room behind the Chair, where a table is provided for them, and after recording their votes to hand the ballot appears to the Secretary at the table.

(The ballot was then taken).

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The result of the voting is that Mr. T.A.K. Sherwani has secured 62 votes and Sir Abdur Rahim has secured 70 votes, and one vote for Sir Abdur Rahim I have declared invalid. I, therefore, declare Sir Abdur Rahim to be duly elected by the Legislative Assembly as its President. (Loud and Prolonged Applause). All that is necessary now is to secure the approval of His Excellency the Governor General required by sub-section (1) of section 63C of the Government of India Act. In order that the requisite approval may be obtained and communicated to the House before His Excellency addresses this House this afternoon, the House will re-assemble at ten minutes to one of the Clock today, until which time the House stands adjourned.

The Assembly then adjourned till Ten Minutes to One of the Clock.

The Assembly re-assembled at Ten Minutes to One of the Clock, Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) in the Chair.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have received a Message from His Excellency the Viceroy and Governor General, which reads as follows:

(The Assembly received the Message standing)

"ORDER.

In pursuance of the provisions of sub-section (1) of section 63C of the Government of India Act, I, Freeman, Earl of Willingdon, hereby signify that I approve the election by the Legislative Assembly of Sir Abdur Rahim, K.C.S.I., as President of the said Assembly.

New Delhi,

The 24th January, 1935.

(Sd.) Willingdon,
Viceroy and Governor General."

Mr. President, the Message which I have just read out from His Excellency the Governor General now authorises you to come and occupy the Chair. Mr. President, you are no new comer to this Assembly. Your record of public service to the country is one of which anyone and any country would be proud. (Applause). Your appointment as a Judge of the Madras High Court which lasted for a long period of twelve years has peculiarly well fitted you to occupy this important Chair. Indeed, your record has it that you frequently officiated as Chief Justice of the High Court of Madras. After that, I understand, you were appointed a member of the Public Services Commission where you rendered signal service and after that you were appointed an

Executive Councillor of the Bengal Government, which appointment you held for a term of five years. To our memory, you have been with us for nearly four years as Leader of the Independent Party, in which position – I am sure I am voicing the opinion of every one in this House, if I may say so–, you distinguished yourself not only as a Leader, but as one who took a very equitable and very clear perception of all important matters that were presented to this House......

The Honourable Sir Nripendra Sircar (Leader of the House): Mr. President, it is my privilege to say a few words of congratulation on your elevation to your high and responsible position as the President of this Assembly.......

Mr. B.J. Desai (Bombay Northern Division - Non-Muhammadan Rural): Mr. President if I am the next in order of time in tendering my congratulations to you, they are nonetheless warm and nonetheless sincere........

Sir Cowsjee Jehangir (Bombay City-Non-Muhammadan Urban): Mr. President, I need hardly say that the party to which I have the honour to belong congratulates you most sincerely.......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Mr. President. I regret very much that accidentally I was delayed; but I entirely endorse the views and the sentiments that have been expressed by the Deputy Leader of the Independent Party. Sir I hope that in that Chair you will hold the scales even: and I have no doubt that, with your great experience as a Judge for many years and also as Chief Justice of the Madras High Court, there will be fairplay in this House so long as you preside over this Assembly. (Loud and prolonged applause).

The Legislative Assembly Debates, 1935, Vol.I, pp. 106-109.

16

Speech in the Central Legislative Assembly* on the Indo-British Trade Agreement, New Delhi, January 30, 1935

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I move:

"That the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January 1935, be taken into consideration."

Those, Sir, who have read this Agreement, or I should rather say those who have studied it carefully, will realise that there is no necessity for any elaborate explanation or justification of its terms. Experience in the past has shown how easy it is for wrong judgments to be formed and hasty conclusions to be reached under the pressure of political bias. I venture to hope that in this case at least the logic of facts unchallengeable and self-evident, will overcome the promptings of prejudice. At this stage, I propose to do no more than to touch generally on two questions which naturally suggest themselves to the mind when considering this Agreement. The first of these questions is, what is the essential nature and character of this Agreement, and the second, why has it been found necessary to enter into it at this stage? Neither of these questions is a difficult one to answer, and in my view at least, neither should raise any serious doubt or disagreement if the Agreement is considered strictly upon its merits.

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* Also Known as Ottawa Agreement

Mr. F. E. James:..........Now, Sir, it has been said that this Agreement is an important departure from previous principles. I agree. It is a very important departure not from India's fiscal principles or from India's fiscal autonomy fiscal but from her previous relations on economic matters with His Majesty's Government. First of all in this Agreement, the United Kingdom recognises India's policy of discriminating protection.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Was there any doubt about that?

. . . .

Mr. F. E. James:...... Now, Sir, I am perfectly aware that, when I am addressing many sections of this House, whatever I say is suspect as coming from one who belongs to the same nationality as those who are suspect in the United Kingdom.

Mr. M. A. Jinnah: No.

Mr. F. E. James: I am very glad to have my friend, Mr. Jinnah's 'No' to that suggestion. But I want to make a very definite appeal to this House. I am aware that there are causes, probably justifiable causes, for many misunderstandings.

. . . . . .

Mr. H. P. Mody:............One word more, and I have done. The political system of Soviet Russia was abhorrent to the civilised world, and yet it did not stop the United Kingdom and other countries from seeking an economic agreement with Russia, because economics are hard realities, and the world must come closer and closer together economically before there can be any political appeasement. I beg of my friends not to reject these overtures, not to throw away this Agreement, but to realise its vast implications to the interests of both countries. (Applause)

Mr M. A. Jinnah: Sir, in the first place, I wish to make it quite clear that we must not drag in personalities of Members of Government. (Hear, hear) I have the greatest regard and respect for Sir Joseph Bhore, and I shall be the last person to suggest, even remotely, that he has not done his best, situated as he is. Honourable Members must not forget that it is not Sir Joseph Bhore who has signed this Agreement, but it is the Government of India,–and we are concerned with this Agreement from that point of view,–it is the Government of India who have signed Agreement, and the question is, whether we are prepared to ratify it. That is the position before the House. Therefore, I hope there will be no kind of suggestion that Sir Joseph Bhore has not done his best. I have no doubt that he has done his best.

The second point I wish to make clear is this. I rather feel some difficulty, because the Honourable Member who is sitting to my left is a member of my Party, and I have equal respect and regard for him, – and I can go even a little further and say that he is a personal friend of mine, but with all that regard and respect and friendship, I am not bound to agree with him if I think that he is in the wrong. I was very anxious indeed to follow him, and I followed Sir Joseph Bhore, Mr. Mody and also Mr. James, and, I think, if I take these three speakers, they pretty well represent the Government case in support of this Agreement. It has a history behind it, but I do not want to go into the details. I think this House will agree with me that the British policy and practice started with this – I won't go into those oft – repeated instances of history, – but I think it started with this that Lancashire and Manchester cloth was supported in this country at the utter sacrifice of those industries that existed here at that time. ("Hear hear" from the Opposition Benches). Gradually the British Government realised that that was manifestly unjust, but they deviated from that policy to this extent that instead of heavy duties being imposed and maintained on the goods of this country in order to give an unfair advantage to British goods, they adopted the policy of imposing excise duties, and we all know the history of excise duties.

Sir, when I was a student in London, I got a shock when the Secretary of State that time, – it was forty years ago – went and made a speech to his constituency, and said – he said to his constituency that it would be manifestly unjust to impose excise duties on nascent, infant industries of India. Within three weeks or four weeks of that, standing on the floor of the House of Commons as the Secretary of state, he supported the Resolution putting the excise duty. At that time I was a student and I really could not understand this mystery. But, afterwards, I have been able to understand the mystery a little better, and I understand, now, and I understood some time ago that, if he had not adopted that attitude, his Government would have been defeated by the solid vote of Manchester and Lancashire, and he had to do it. That excise duty has been characterised by every fair-minded man. It was historically wrong, it was politically wrong, it was morally wrong. It was every way wrong, but it was maintained until only a few years ago; when it was removed under the pressure of the Opposition, helpless as we are. Therefore, we now come to this position, that the Government of India are, after all, – they cannot forget, and they are in fact, – a subordinate Government, and the policy of the Government of India has been a policy of a subordinate entity, not an equal entity. The Government of India in those conditions have to occupy the role of a subordinate party. Now, what do we find? After a great deal of agitation in the country we adopted a policy of protection. A policy of protection was adopted in 1923 by a Resolution of this House. What is that policy? In one sentence – Honourable Members talk about this word, discriminating, discriminating, discriminating, but what does it mean? It does not mean that discrimination applies to the various foreign countries, that we have to discriminate in favour of one foreign country more than in the case of another. No. Discrimination means this, that we should not put an undue burden on the consumers of this country. To that proposition, Sir, I fully subscribe, and I shall be the last person to adopt any measure merely for the purpose of giving protection to my Honourable friend, Mr. Mody's industry, and put an undue burden on my people. After all, his industry is only one particular part of this great country. I am willing to help him, but not at the extraordinary expense of the consumer. That proposition I accept. But there – Mr.James said to me or told the House, "what a great advantage you have got. His majesty's Government have recognised that." But where was the doubt? If His Majesty's Government do not understand and if the world does not understand that that has been our policy, why am I going out of my way to explain to His Majesty's Government by a solemn Agreement signed and sealed by two Governments? It is clear. Very well. Then, my Honourable friend on the Government Benches, Mr. Dow, was at great pains to convince this House that the Fiscal Autonomy Convention is also by this Agreement saved and preserved. But what is the Fiscal Autonomy Convention, may I know? I know he read from the report of the Joint Parliamentary Committee. How is it saved by this document? The Fiscal Autonomy Convention — how do you save it by this. document? It is not saved; it is not destroyed; it is there. But, Sir, it is like the will-o-the-wisp, and we have had experience of that for some time.

Mr. H. Dow (Government of India: Nominated Official) I am afraid the Honourable Member was rather misrepresenting him. He did not make the statement that he has attributed to him. What he said was that the Fiscal Autonomy Convention was in no way threatened by this Agreement.

Mr. M. A. Jinnah: And what follows from that? The only implication of that statement in a speech is that it has been strengthened or supported or confirmed, otherwise there is no.....

Mr. H. Dow: There is no such implication.

Mr. M. A. Jinnah: If it is not threatened, then it is outside the Agreement, nothing to do with the Agreement. Why labour that point? I will accept, Sir, that Fiscal Autonomy Convention has nothing whatever to do with this Agreement? I accept that. But, then, how do you justify this Agreement? I certainly followed the Honourable the Commerce Member. He said, well, the first is only a preamble and it merely says that it is a Supplementary Agreement to the Ottawa Agreement. It may be, some Honourable Members may agree with the Ottawa Agreement. Some may not agree with it, and, after all, it still remains to be seen that the Ottawa Agreement is really beneficial to Indian interests. I am not prepared, speaking for myself, by accepting this preamble which characterises this Agreement as a supplementary agreement, to consent to the Ottawa Agreement, because, if I say I accept the Supplementary agreement, I am subscribing to the terms and conditions of the main Agreement, and I cannot possibly give my consent to that preamble.

Now, let us take the operative part of the Agreement. The Honourable Member said, "We are doing nothing. Every thing really was clear, but we only wanted to crystallise what already was thoroughly crystal clear, as to what is our policy and practice". I have never yet known two parties, entering into a solemn agreement and laying down terms and conditions, to make clear a thing which was as clear as crystal before. If Government wanted to do that and if there were some very, very unreasonable person who refused to see what was clear as daylight, and if they really wanted to go out of their way to satisfy that unreasonable person, they could have declared it by a communique and said that "Lachashire and Manchester people are so unreasonable that they do not see what is clear as daylight, and, in order to satisfy them, we issue a communique and make our position clear as crystal". But what is the use of this solemn Agreement, that two Governments, two mighty Governments of the world, sit together and reduce their talks to articles and sign them? Therefore, I refuse to believe that my Government is so very incapable as to merely sign this Agreement for that purpose. Therefore, Sir, this Agreement must mean something. Otherwise, there is no meaning in this Agreement. Then, why fight? Why quarrel? It means nothing. Withdraw it. (Laughter) Then, what does it mean? The Honourable Member has not explained to me yet what it means, but Mr. Mody tried to explain to me what it means. I welcome that. Let us forget this Agreement. Mr. Mody says this, that, in giving protection to our industries, we have got to examine the selling prices. I agree with that. That is the test of this Agreement. The test is that if we consent to it now, we shall be tied down by this Agreement in future; the only test, the only factor, that you can possibly take into your consideration is the selling price and no other factor and no other consideration. Am I right? I should be glad to be corrected?

The Honourable Sir Joseph Bhore: Fair selling price includes a number of considerations.

Mr. M. A. Jinnah: I know that. It undoubtedly includes a number of considerations, but, ultimately, having taken that into consideration, the conclusion is, say, selling price 170 of Indian goods, British goods 165 and foreign goods 155, and the marginal difference will be on that footing. That is correct. Very well. Now, I want to ask the Government and the experts of the Government – the economists – is that the only test?

An Honourable Member: Test of what?

Mr. M. A. Jinnah: Test of giving adequate protection to the Indian industry. Is that the only test? (Voices: "No.") You are confining yourself to that test and no other test. I challenge Government to refute that. You are binding India to that and nothing else. That is not our policy. Now, the Honourable

Member may ask — have we not done that? Yes, we have and we shall do it again if and when necessary in a particular case. But here you lay it down that this will be applicable to all cases and it will not be open to us to apply any other test or take any other factor into consideration. I refuse to be tied down to that. I give you an instance. I know some of my Honourable friends have still not appreciated the position that we took up with regard to the Steel Bill. In that particular case, we were convinced — some of us — not that we were laying down a universal rule or test for all times to be applied to every single case that ever came before us. In that particular case, on the merits, we felt that we msut take a particular course of action. I don't have a grudge against the British. I bear no malice to anybody. Even Mr. James said very rightly that India's interests are to be considered first. After we have taken care of our own interest, we are willing in a friendly way to give and take. What did we do in the Steel Bill? After weeks of examination and cross-examination of various parties, I was convinced that if I were to put the same duty on the British steel, I shall be imposing an undue burden and an unfair burden on the consumer and that is why I supported that measure. I am not going to be confined to that one test, the selling price, and, if in any other case, that comes before this Legislature, I am satisfied that I should follow that precedent, I shall have no hesitation in doing so. Here you are trying me down, that this will be your guiding star, viz., "Selling Price". I refuse to follow that star. The Honourable Member said that we must not mix up politics with economics. Surely, I think Sir Joseph Bhore is living far away from the world of economics when he says that. It may have been a century ago, but today it is all economics and no politics. That is the central pivot over which Europe is revolving, and you say to me that I should not mix up politics with this Agreement. I refuse to follow that. Your economics are the foundations of your politics. If you have no economics, you have no politics, because you have not enough to eat to talk about politics. What is happening in the world today?

I am compelled to give that marginal duty to Great Britain as against any other foreign country. With this halter round my neck, I go to Germany, to Italy and to France. They will say to me "Look at what you are doing. We produce goods very nearly as good or better than the British, and yet you are giving the British the advantage. You are putting less duty on them and more duty on us." I want Germany to take something from my country. England is not the only country which is taking everything from Indias. Is Canada, is Australia, bound by this one guiding star which you are presenting to me? Therefore, this Agreement is full of meaning, and it is a new departure which I am not prepared to subscribe to. It is said, and my Honourable friend, Mr. Mody, said — of course he is a business man, and I am not a business man, I am an unfortunate lawyer, and in law my Honourable friend did not find a place (Laughter).

Mr. F. E. James: The Honourable Member thrives on the business man (Laughter).

Mr. M. A. Jinnah: Sir, so long as there are fools in this world, the lawyers will thrive (Laughter). Now, Sir, is this to be lightly treated, is this clause to be lightly treated? I can understand our Tariff Board having unfettered discretion to hear any interest, anybody, as they like and when they like. I can understand that. For instance, tomorrow, supposing there is some question which crops up before the Home Member. Somebody has got a grievance as he has made some order or is about to make some order. Can I tell the Home Member that this gentleman is coming to you with his solicitor and his counsel and he wants you to hear them and wants to cross-examine those witnesses before you, before you make any order and you must give him and his legal adviser a hearing? What will the Home Member say to me? He may, it is open to him or he may not. Now, why is that so? Is it based on some principle? Has it got any justification or not? Otherwise, anybody will appear before him, anybody will go there and fight his case before him as a matter or right. Now, the only place that I know of, where a man has got some right and is entitled to be heard, either in person or through his representative, is a Court of law. I have never heard before of such a suggestion that your Tariff Board is bound to hear any one as a matter of right. That is a big and peculiar principle that you are introducing, and unless there is some clear justification, I refuse to subscribe to that principle. Is His Majesty's Government prepared to give me the same right that India should, as a matter of right, present her case to their authorities who determine tariffs, when it affects our interests? Is it in the Agreement? And why not? If His Majesty's Government, if, Great Britain, and their industries are entitled, as a matter of right, to appear before our Tariff Board, what have we got in return? Have we got it in return that India also can appear as a matter of right before whoever is the authority which determines tariffs if our interests are affected? Have you got that? No, no, you have not got that under this Agreement.

An Honourable Member: There is no such reciprocity.

The Honourable Sir James Grigg: What duties are there in Great Britain against Indian products?

Mr. A. J. Raisman: That is the point. There are no protective duties.

Mr. M. A. Jinnah: There are — I beg your pardon — you only show your ignorance when you say there is no such thing. There are many things that India imports into England and other countries also.

The Honourable Sir James Grigg: There are no protective duties.

Mr. M. A. Jinnah: What about tea? What is the good of your talking? Therefore, Sir, I cannot subscribe to it now. Then, there is the next point. What do we get — and this is, to my mind, a monstrous term in the last part of clause 4 where our Government are not to be trusted if there occur changed conditions. It says here:

> "The Government of India further undertake that, in the event of any radical changes in the conditions affecting protected industries during the currency of the period of protection, they will" — *that is, this Government will* — "on the request of His Majesty's Government or of their own motion, cause an enquiry to be made as to the appropriateness of the existing duties from the point of view of the principles laid down in Article 3" — *mark, the principles laid down in Article 3, and what are those?* "Equating prices to fair selling prices" — (*An Honourable Member*: "and not disturbing that equation") *and not disturbing that equation* — "and that, in the course of such enquiry, full consideration will be given (Hear, hear) to any representations which may be put forward by any interested industry in the United Kingdom."

Sir, I do not wish to take up the time of the House any more, but I have — believe me, and I hope this House will believe me — I have not approached this question — and I hope even my friend, Mr. Mody, will not put me in the category of those who say that we refuse to come to any kind of fair and reasonable arrangement between Great Britain and India until our political demands are conceded. That is an issue which we have to fight. I am not going to wait until we have settled that issue. Pending the settlement of that issue, I am quite prepared for exchange of good will as far as possible — because we cannot wait until that question is settled. Things are moving, events are moving, and, therefore, I am not going to tie myself down to the proposition that I am not going to come to any agreement, that I refuse to make any adjustment until you have conceded my political demands. I do not put forward that proposition. Pending that event, I am wiling, — but, Sir, any agreement, any adjustment, must be fair, msut be just, and, above all, must be entered into, mark, as being inspired by a proper policy and a proper spirit and, in fact, by a Government which proceeds, not in a spirit as a subordinate Government, but as an equal Government with great Britain. (Loud & prolonged Applause)

. . . . .

Sir Cowasji Jehangir:.....Now, Sir, I admit that the way in which this article is drafted is to a layman rather perplexing, and I want an authentic definition of this article from my Honourable friend, the Commerce Member, so that it shall be on record......

Mr. N. M. Joshi: It will not bind that British Government.

Mr. M. A. Jinnah: We want to know for the purpose of voting.

An Honourable Member: That is a blind wall.

Sir Cowasji Jehangir: My Honourable friend, Mr. Jinnah, has pointed out to you very clearly his apprehensions and there may be some grounds for these apprehensions. Perhaps my Honourable friend, the Commerce Member, will clear the point definitely, and unequivocally, so that no other interpretation can be placed upon these clauses in the future by the other high contracting party. We do not wish to change our policy.......

. . . . .

Sir Cowasji Jehangir: ....Mr. President, the undertaking is in the last five lines of Article 5. In the first few lines, there are mere truisms — not worth the paper on which they are written. They merely say what they have been doing up to now. They also merely state what they cannot help doing, but in the last five lines they give an undertaking and these are the words: and they undertake to continue to use all possible efforts in co-operation with commercial interests to stimulate the consumption of Indian cotton in all possible ways. Coming from a Government that they undertake to do all they can, means a great deal.

Mr. M. A. Jinnah: The undertaking is very elastic.

Sir Cowasji Jehangir: No, it is not. If you think so, I beg to disagree. A responsible Government gives an undertaking that it will make every effort and it goes on specifically to explain how that effort will be implemented......

. . . . .

The Honourable Sir Joseph Bhore:..........We have got to bear in mind that the normal consumption of galvanised sheet in this country is about 250,000 tons. The utmost limit of Indian production is 100,000 tons. At the present moment, I do not think Tatas are producing more than 45,000 to 50,000 tons. It, therefore, follows that at least 150,000 tons must be imported from abroad. Now, if Rs.40 a ton had been imposed on British sheet in order to secure the same rate of duty on all imported sheet, the price of British sheet would have gone up to Rs.200 — a ton, which means that both Indian sheet and foreign sheet would have been able to charge a price just below Rs. 200 say, for instance, Rs.199 — instead of Rs.170, which was the fair selling price found by the Board: in other words, it would have placed an extra burden of something like Rs. 70 lakhs on the poor agriculturist. That is the justification for differential duties, and I understand that my Honourable friend, Mr. Jinnah, accepted the necessity in certain cases for differential duties in the interests of the consumer.......

Mr. M. A. Jinnah: In such cases as we consider necessary, yes: and we will find it ourselves.

The Honourable Sir Joseph Bhore: That is what I said. Now, I come to Article 3(3), and here again I am up against what the Leader of the Opposition refused to accept, namely, my own interpretation of this particular article. I can give the House the assurance that that interpretation is the interpretation........

Sir Cowasji Jehangir: May I point out to the Honourable Member that he has passed over my question on Article 3(2)?

The Honourable Sir Joseph Bhore: Will the Honourable Member repeat his question?

Mr. S. Satyamurti: On a point of order, Sir. Is it open to my Honourable friend to interrupt him on a point of order or personal explanation in order to have a discussion again and ask him to explain matters? Is it not against parliamentary procedure?

Mr. President (The Honourable Sir Abdur Rahim): It is left to the Honourable Member whether to answer that question or not.

The Honourable Sir Joseph Bhore: I am very grateful to my Honourable friend, Sir Cowasji Jehangir, for bringing that point to notice. I think he referred to the fair selling price, and I am all the more grateful to him, because it was a point upon which my friend, Mr. Jinnah, laid very special emphasis. Now, Mr. Jinnah was much concerned by our being tied down to a fair selling price. First, let us remember that a "fair selling price" must be fair to the industry and fair to the consumer.......

. . . .

The Honourable Sir Joseph Bhore: Then, my friend, Mr. Jinnah, was also very perturbed about reciprocity in this particular matter. You have given these people the right of stating their case; have you got a similar right to go and represent your case before a corresponding authority in the United Kingdom?

Mr. M. A. Jinnah: I said any authority.

The Honourable Sir Joseph Bhore: Any authority, – I said the corresponding authority. I reply "Yes." Under the Import Duties Act, we have the satutory right of putting our case in the event of a question arising concerning the imposition of import duties for protective purpose in the United Kingdom.

Sardar Mangal Singh (East Punjab: Sikh): Where is the guarantee that they will continue to do that?

Mr. M. A. Jinnah: What is the date of the Import Duties Act, and what action? I shall feel obliged if the Honourable Member can give me that.

The Honourable Sir Joseph Bhore: 1932, section 2, clause 3. Let me turn to Article 6. It is hardly necessary for me to refer to this in any detail. The privilege of free entry for our pig carries with it a preference of no less than 33 1/3 per cent against all foreign imports. I have already given figures to this House to show how that preference has resulted not only in the substantial increase of our exports to the United Kingdom but in almost eliminating our foreign competitors in this field. I would also suggest.........

The Legislative Assembly Debates, 1935 Vol. 1, pp. 154-55, 203, 217-22, 231-33, 244-45, 247-48.

17

Speech in the Central Legislative Assembly on the question regarding Indo-Burma Trade Agreement, New Delhi, February 4, 1935.

Mr. S. Satyamurti: (a) Will the Honourable the Commerce Member be pleased to state whether negotiations are afoot of the Indo-Burma Trade Agreement?

(b) At what stage do the negotiations stand?

(c) What are the proposed terms of the Agreement?

(d) Will this House be given an opportunity to discuss and express their opinion on the terms of the Agreement? If not, why not?

(e) Have Government ascertained in any other manner the opinion of the people of India and Burma in this matter?

The Honourable Sir Joseph Bhore: (a) and (b). The Government of India have under consideration in consultation with representatives of the Government of Burma, the nature of the regime to govern the mutual trade relations of India and Burma in the transitory period after separation.

(c) I regret that I am unable to say at this stage what will be the outcome of the consultation to which I have just referred.

(d) The Government of India would have been glad–had the exigencies of public business permitted–to have heard the views of this House as to the nature of the regime which should govern the trade relations of India and Burma until such time as the two Governments concerned were in a position to formulate their own tariff policies and to negotiate a permanent trade agreement. The Government of India, however, wish it to be understood that they are under no constitutional obligation to place before this House for discussion the terms of a trade agreement before it is concluded.

(e) Yes.

Mr. S. Satyamurti: May I know who are the representatives of the Government of Burma who are negotiating with the Government of India this Trade Agreement?

The Honourable Sir Joseph Bhore: The representatives are Sir Louis Kershaw and Mr. Wise.

Mr. S. Satyamurti: Is there any Burman among the representatives?

The Honourable Sir Joseph Bhore: No, Sir.

Mr. S. Satyamurti: May I know the reason why no Burman is included in the delegation?

The Honourable Sir Joseph Bhore: That is not a matter with which the Government of India are concerned; that is a matter for the Government of Burma.

Mr. S. Satyamurti: May I know whether, in view of the existing constitutional position between the Government of Burma and the Government of India – the former being a subordinate Government, – what is the position of this subordinate Government of Burma *vis-a-vis* the Government of India?

The Honourable Sir Joseph Bhore: The Government of Burma is a principal, not agent in this matter, and it is open to the Government of Burma to nominate its own representatives. The Government of India cannot dictate how its representatives should be chosen.

Mr. S. Satyamurti: May I know what is the period for which the Agreement is being negotiated?

The Honourable Sir Joseph Bhore: That also, Sir, is under consultation.

Mr. S. Satyamurti: May I know if it is contemplated that it should last beyond two years from the date of its conclusion?

The Honourable Sir Joseph Bhore: I cannot express to my Honourable friend any opinion on that point, because no conclusion has yet been finally reached.

Mr. S. Satyamurti: May I know at what stage the negotiations stand?

The Honourable Sir Joseph Bhore: That is an almost impossible question for me to answer. I can only say that our consultations have by no means finally concluded.

Mr. M. A. Jinnah: May I know whether the Government of India, although they are under no constitutional obligation, propose to consult this House or not in fact?

The Honourable Sir Joseph Bhore: If my Honourable friend asks whether there will be a consultation before we come to any conclusion, I shall answer that question.

Mr. M. A. Jinnah: After the Agreement is concluded between the Government of India and the Burma Government, will the Government of India place that Agreement before this House for their approval?

The Honourable Sir Joseph Bhore: No, Sir, not for their approval. We shall follow, if necessary, the same practice as we followed in the case of the Indo-British Trade Agreement.

Mr. S. Satyamurti: May I know the reason why the Government of India do not propose to place this Agreement before this House before it is concluded?

The Honourable Sir Joseph Bhore: Because they propose to follow accepted constitutional practice in this matter.

Mr. S. Satyamurti: Is there anything in the accepted constitutional practice which prevents the Government to place the Agreement before this House?

The Honourable Sir Joseph Bhore: If my Honourable friend would only refer to one of his own colleagues who sits on his left and who spoke the other day in connection with the Indo-British Trade Agreement, he would know what that constitutional practice is. As I have said, the Government of

India will strictly follow constitutional practice in this case.

Mr. M. A. Jinnah: May I ask whether the Government of India, in the course of the negotiations and before the Agreement is finally concluded, consult the commercial opinion in India?

The Honourable Sir Joseph Bhore: We have had the fullest opportunity for consulting commercial opinion in this country. We have had consultations with representatives of the Federation of Indian Chambers, of the Associated Chambers, of the principal mill-owners' associations and we have also had an opportunity of listening to the views of the representatives of Indians in Burma. I can assure my Honourable friend that we have had the fullest consultation with interests concerned on this matter.

Mr. B. Das: Did the Government of India consult the interest of the agriculturists of Bengal, Madras and Orissa in connection with this Indo-Burma Trade negotiations?

The Honourable Sir Joseph Bhore: We have had the case of agriculture in India fully before us during the course of these negotiations.

The Legislative Assembly Debates, 1935,
Vol. I, pp. 251-53.

18

Speech in the Central Legislative Assembly on the motion to consider the Report of the Joint Committee on Indian Constitutional Reform, New Delhi, February 4-7, 1935.

The Honourable Sir Nripendra Sircar (Leader of the

House): Mr. President, the motion that stands in my name runs as follows:

"That the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration."*

Mr. A.K. Fuzlul Huq (Bakargunj *cum* Faridpur: Muhammadan Rural): Sir, I rise to a point of order. The motion that has been made by the Honourable the Law Member is not in order and cannot be admitted for discussion. Sir, the motion simply says that "the report of the Joint Committee on Indian Constitutional Reform be taken into consideration" With what object, the Honourable Member has not specified.........

Mr. President (The Honourable Sir Abdur Rahim): As regards the point of order raised by the Honourable Member from Bengal, the Chair has not the least doubt that it is not a valid objection....

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* Report of the Joint Select Committee on Indian Reforms:- The Report of the Joint Select Committee on constitutional reforms in India to the Parliament was released for publication both in India and England on November 22, 1934. The following is an abstract of the main recommendations :- 1. Provincial autonomy should be the basis of the reforms. 2. Safeguards are essential for the establishment of constitutional reform. 3. There should be safeguards for the administration of Law and Order. The principle of executive independence should be reinforced in the constitution by the conferment of special powers and responsibilities on the Governor as the head of the Provincial Executive. The safeguards represent a substantial power fully endorsed by law. 4. Federation at the centre. The interval between Provincial Autonomy and the inauguration of Federation should not be longer than necessary for administrative considerations. The Committee held that the existing Central Legislature should be kept during the transitional period. 5. Federation should eventually include the Indian States also. 6. Sind and Orissa will be created new provinces. 7. Regarding Provincial franchise, the White Paper proposals are accepted. There will also be no changes in proposals on Provincial Legislatures, except that there should be Upper Houses in Bengal, Madras, U.P. and Bihar. 8. The Communal Award and the Poona Pact stand. The number of seats reserved for the Depressed classes can, however, be reduced by agreement, with good effect. 9. There can be no Federation until Rulers of States representing no less than half the total population of the States and entitled to half the total seats in the Federal Upper Chamber are prepared to enter it. 10. The Governor-General with three Counsellors will administer Defence, External Affairs, Church and British Baluchistan. The other departments will be administered with the help of Ministers, subject to "special responsibilities" generally similar to those in Provinces. 11. Representation on the Federal Legislature will be by indirect election. 12. The Secretary of State will continue to recruit members to the Civil Service and Police Service. The other services will be provincial. 13. A Federal Court should be constituted. 14. The Governor-General will have the special responsibility of preventing measures, legislative or administrative, which would subject British goods, imported into India from the United Kingdom, to discriminatory or penal treatment. 15. The proposal for a declaration of Fundamental rights is rejected. 16. The India Council in England would be unnecessary. But the Secretary of State should have a small body to advice him on certain matters. (*Indian Annual Register*, 1934, Vol.II, p. 39).

The Honourable Sir Nripendra Sircar: Sir in moving this motion, I realise, as every one msut do, that it is not possible to touch even generally and only the main topics discussed in the report within the time allotted to any Honourable Member. Moreover, in the speech which I am making now, the real object is to introduce the matter for discussion. While, therefore, I shall claim the right to be a little more detailed in my presentation of the speech in my final reply, I desire to make a very brief speech now.

I find, Sir, from the different amendments which had been handed in, that there are certain definite classes of amendments showing the lines on which arguments are likely to be advanced. As regards the amendment coming from my Honourable friend, Mr. Desai, and his colleagues, there is not the slightest difficulty in understanding what that means. That amendment means that the Mover and the supporters of that amendment do not want any legislation on the lines indicated in the report. I say, Sir, that that is perfectly intelligible although our opinions are different. They say, in fact, that the present Constitution may be bad, it may even be very bad, but what we are getting under this reform scheme makes our position worse, and, therefore, they say that we will have nothing to do with it. I quite understand that position. There is no charm in the word "rejection". The words "rejection" and "acceptance" and what is meant by "unacceptable" and what is meant by "rejected", these words have been tortured during the last few weeks, but when we know the substance, it really does not matter what words have been used. Then, Sir, there are some other amendments which are also on specific matters, but not so general as my Honourable friend, Mr. Desai's amendment. For instance, one party wants the communal decision to be affirmed, somebody wants it to be disavowed. There are others who say that, whether it is good or bad, it is not in the interest of this House or the interests of the nation at large to discuss it at the present moment as nothing will be gained by it. All these three points are equally clearly intelligible and we find no difficulty whatsoever. We find, however, some difficulty in understanding the attitude which has been taken up by another amendment, which proceeds from my Honourable friend, Mr. Muhammad Ali Jinnah. It is in three parts. The first part relates to the communal decision and I need say nothing further about it. The other two parts combined mean this: "Unlike the Congress we do not want to destroy the structure, but what we want to do is to dig out the foundation, to remove the first storey and to keep the second, not that I like the second story, but it requires a slight modification. If you only change the ceiling, the walls and the floor, and enlarge the windows, then probably I shall have no objection. I am not out for destruction, and I do not want to destroy it." Then, Sir, it is very curious that the Mover of this amendment, — I am proceeding on the footing that it will be moved, — in dealing with the provisions for Provincial Governments, makes it perfectly clear that in this wretched Constitution the only thing......

Mr. M. S. Aney (Berar Representative): Sir, on a point of order. Is the Honourable Member in order in discussing the amendments when they are not moved at all in this House?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think there is any point of order there.

The Honourable Sir Nripendra Sircar: I am only referring to the amendments that are to be moved, but, according to this line of argument, the only bright spot in this wretched Constitution is the Communal Award which has got to be affirmed. There is objection to the special powers of the Governor, to the establishment of Second Chambers and the provisions relating to police rules and secret service. I notice, Sir, that word used is "particularly". Apparently it follows logically that there is no objection, at any rate there is no particular objection, to the other special powers, such as the interest of minorities or the interest of public services.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): No, that is not so.

The Honourable Sir Nripendra Sircar: I daresay my Honourable friend, Mr. Muhammad Ali Jinnah, will explain his position. The difficulty lies in the fact that some of his arguments sometimes are so subtle that it is difficult to follow them. I hope it will not be so on this occasion.

Now, Sir, I was going to say that instead of the honest, direct and frontal attack which comes from my friend, Mr. Desai, we have this disingenuous and indirect attack from my Honourable friend, Mr. Muhammad Ali Jinnah, although directed to the identical purpose. Sir, my Honourable friend, and I believe everybody in this House, knows very well that having regard to the history of this legislation during the last few years and coming up even to the so-called joint memorandum, they have all proceeded on the footing of a federation between the provinces and the States. My Honourable friend knows very well that it is not a practical proposition to suggest now that we shall go back on that and have a British Indian Federation. Therefore, the objection is that, while saving his face by saying that he is not out for destruction like some other people who are in the House, what he wants is that Federation be dropped, in the sense of a Federation with the States, knowing perfectly well that if that is dropped, the Bill msut be dropped. We have got to look at it from a practical point of view. Now, Sir, I really do not want to say more now, and, I am sure, I shall have to say a good deal about it in my final reply after hearing my Honourable friend, Mr. Muhammad Ali Jinnah. I was very pleased this morning.......

Mr. M. A. Jinnah: Sir, I shall not be offended if the Honourable Member does not pronounce my name from beginning to end.(Laughter)

The Honourable Sir Nripendra Sircar: Let me inform my Honourable friend, Mr. Jinnah, (Laughter) that I have been doing so from bitter experience, because when I was a novice here,–I believe, I am still a novice, but in the last Session,–by a slip of the tongue I referred to "Mr. Navalrai". I was immediately corrected and I was told that I ought to say "My Lalchand Navalrai". I was simply following that precedent, but, in the case of Mr. Jinnah, I will take his advice.

I said, Sir, that I was very pleased this morning to find that I was in strange company, for this is the first time in my life that I find myself in agreement with a writing about constitutional reforms in the *Hindustan Times*. That has never been my experience so far, and I am very proud and happy this morning, because the paper points out, – I do not desire to read the whole of it, – exactly what I have done this morning. I daresay, both that paper and myself will be proved to be palpably wrong after the arguments of Mr. Jinnah.

Now, Sir, the question is bound to be debated as to whether this Constitution means an advance, whether it is a fraud, a sham, a swindle and the other adjectives which have been profusely used in connection with this; or whether it is something worse than that, not merely a fraud in the sense that we are getting nothing, but it is actually a retrograde movement and that we shall be far worse off under the proposed Constitution than we are at the present moment. This question is bound to be debated and all that I need say now is this, that the view of any individual Honourable Member on this very important question, the crucial question, must depend more or less–I say more rather than less–on his view of the effect of what have been called the safeguard.

Now, about the safeguards there are two extreme views. There is one view which prevails with some people in England, namely, that these safeguards are merely eye-wash: they read very well and they look formidable on paper, but when in operation they are as useless as the Irish safeguards. That is one extreme view. The other extreme view is that these safeguards are the only thing we are getting under the Constitution: the other portion is mere camouflage: under these safeguards all apparent responsibility will be thwarted: it will be within the power of those to whom special responsibilities have been given to absolutely strangle self-government. That is the other extreme view. Well, if as a matter of fact, we assume that the Governors or the Governor General, to whom these large powers have been given, will act against the spirit of the Constitution, that it will be their one desire in life to see that no power is really exercised by the people and they will bring into operation the special powers and safeguards without any real necessity for it, of course this Constitution will come to an end: it will not work. On the other hand, if it is assumed that the people who will be in charge of affairs under this proposed Constitution will act in an equally unreasonable spirit and the one desire of their life will be to compel the Governor and the Governor General to use the special powers, the same bitter end will follow. But it is quite possible – and that is my view – that if we presume a reasonable amount of common sense in the Governors and Governor General as also in the people who will take charge of affairs under this Constitution, then these safeguards are neither so formidable which they are according to one view, nor are they worth nothing as the other view tries, to make out. At the same time, I am not for a moment suggesting that these safeguards cannot be effective, and that they are mere paper safeguards.

I think, I said in the beginning, that my object is not to make a long speech now, and I really do not desire to say anything more now, and I formally move this Motion that the report of the Joint Parliamentary Committee on Indian constitutional reform be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Before the motion is put to the House, the Chair wishes to consult the House as regards the procedure that is to be followed with reference to the allotment of time to the various Honourable Members who wish to speak on this subject and as regards the order in which the amendments are to be moved. This question will be debated for three days; today there will be no ordinary questions, and, therefore, we shall have the rest of today: on the 6th and 7th, we shall have, as the Chair proposes at present, questions in the ordinary way, and the rest of the day will be devoted to.....

.....

Mr. M. A. Jinnah (Bombay city: Muhammadan Urban): Sir, I move:

"That for the original motion the following be substituted"

'That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned.

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extraordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will

not satisfy any section of Indian opinion.

3. With respect to the scheme of the Central Government, called 'All-India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay'."

. . . . .

Mr. Lalchand Navalrai:.......The Statutory Board has given us only slight powers here and there over their policy. Then come to the Reserve Bank. They have taken away the control over finances because it will be the Board of the Reserve Bank which will deal with the finances. Then come to the commerce and industry. What do we find there? Certain agreements have been gone into and certain Pacts have been decided upon and then they say: "Now you have a Constitution, work it out". Is that the way to give a Constitution?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Mr. Lalchand Navalrai: Sir, then, I have finished.

Sir Leslie Hudson (Bombay: European): Sir, the Joint Select Committee Report is not something which has been suddenly conceived by the present National Government. The Report and the new Government of India Bill are the culmination of a series of enquiries extending over a period of eight years–from the Muddiman Committee to the Joint Select Committee of Parliament. These enquiries resulted in the emergence of a general scheme which envisages a Federation of

India, consisting of self-Governing Provinces and autonomous States, with a Federal Legislature in which the Ministry is responsible. The general outlines of this scheme received the support, not only of all parties in Great Britain, but also, of representatives of British India and Indian States.

Mr. M. A. Jinnah: No.

Sir Leslie Hudson: I said representatives: I did not say all representatives......

. . . . .

Sir Leslie Hudson:.........As far as the Resolutions condemning the Communal Award are concerned, it would be improper for me to offer any comment except that it is now and always has been open to modification on an agreed plan by the parties concerned. In the absence of any agreed plan, Mr. Jinnah's contention that it should be accepted seems the only practical and common-sense view to hold..........The amendments calling upon his Majesty's Government or the Governor General in Council to summon a Constituent Assembly, do not, in our view, offer any sure hope that the result of such Conference would, within a reasonable time, produce a scheme either agreed upon by all sections of opinion in India, or acceptable to His Majesty's Government.

In the third part of his amendment, Mr. Jinnah, after making constructive criticisms of the Provincial proposals, deliberately turns aside from the ideal of Federation.........On the other hand it is apparent that the Memorandum of the Indian delegation did receive the closest and most sympathetic consideration of the Joint Select Committee, and where its recommendations are not accepted, the arguments for that course are fully stated.

Mr. M. A. Jinnah: Is there anything accepted?

Sir Leslie Hudson: Finally we welcome the statement of the Right Honourable Mr. Srinivasa Sastri, that the Liberals intend to co-operate in working the new Constitution, although they regard it as unsatisfactory in many ways, and would have advised rejection if they considered such a course to be practicable. That is an attitude which we respect....

.....

The Honourable Sir Joseph Bhore:.........I would like to read a passage from the Joint Select Committee's Report in regard to commercial safeguards, which I think bears out that view. It runs as follows (Page 205):

"It should be made clear that the imposition of this special responsibility upon the Governor General is not intended to affect the competence of his Government and of the Indian Legislature to develop their own fiscal and economic policy; that they will possess complete freedom to negotiate agreements with the United Kingdom or other countries for the securing of mutual tariff concessions; and that it will be his duty to intervene in tariff policy or in the negotiation or variation of tariff agreements only if in his opinion the intention of the policy contemplated is to subject trade between the United Kingdom and India to restrictions conceived, not in the economic interests of India but with the object of injuring the interests of the United Kingdom."

An Honourable Member: Please read further down.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Who will be the judge of that?

The Honourable Sir Joseph Bhore: The success or failure of the Constitution depends upon the spirit in which both sides come to their task. If either side is determined that this Constitution shall fail, failure is only a question of time........

....

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved. "That for the original motion......Indian opinion without delay.

Mr. M. A. Jinnah (Bombay city: Muhammadan Urban): Sir, on an occasion of such grave importance, I wish to draw the attention of the House to the attacks and misrepresentations that have been made with regard to my position regarding this question, and I think the House will bear with me for a few minutes. A newspaper, of the standing and position like *The Statesman*, has, in its recent issue dated the 2nd February, stated this:

> "Race hatred is the prime mover of the Congress Party which has an important following. No doubt, they will always find fortuitous allies like Mr. Jinnah."

Sir, I repel that with all the power that I can command. (Hear, hear" from the Opposition Benches). I bear no race hatred of any kind whatsoever to any race. (Hear, hear.)

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural). Shame to that paper.

Mr. M. A. Jinnah: Then the paper proceeds further and says this:

> "Mr. Jinnah, who started as a keen Round Tabler, an enthusiastic Federalist"—

—yes, I admit, Sir, I was not only a keen Round Tabler, but, if I may say so, I was the keenest Round Tabler, but I did not start as an enthusiastic Federalist. From the very commencement, rightly or wrongly, I knew that the scheme would never materialize in a manner which would satisfy the legitimate aspirations of India. Then, this paper further on says:

"Is now: — (that is I) "dissatisfied, because he was not invited to the later sittings of the Conference."

Several Honourable Members: Shame, shame!

Mr. M. A. Jinnah: I was not invited to the later sittings of the Conference, because I was the strongest opponent of the scheme, that was being constructed, from the commencement, and not that I have become an opponent because I was not invited to the Third Round Table Conference. Sir, these lies, these insinuations, these reflections are not worthy of any newspaper worth the name.......

The Honourable Sir Henry Craik: I hope the Honourable Member is not associating me with those remarks, because he keeps on looking at me. I had nothing to do with it. May I assure my friend that I have not even read what he has just read out? I never heard of the article before, and this is the first time I hear it from my Honourable friend.

Sir Muhammad Yakub: Now; probably the Honourable the Home Member will associate himself with what Mr. Jinnah has said against that newspaper.

Mr. M. A. Jinnah: Well, Sir, I will leave it at that. I do not for a moment include the Honourable the Home Member in the criticism I have made, or, for the matter of that, I do not include any other Englishman, except the writer of that article.

The Honourable Sir Henry Craik: I knew nothing about it.

Mr. M. A. Jinnah: I will say no more about it for the moment.

Coming, Sir, to the question before the House, first I shall deal with some of the observations that fell from my Honourable friend, the Leader of the Opposition, Mr. Desai. Sir, I do not agree with his amendment. His first amendment is a flat rejection. I admit that, I do not dispute it, and I don't think he disputes it either; it is a flat rejection, because he asks that no legislation shall be proceeded with based on the joint Parliamentary Committee's Report. That means that if we accept it, everything goes, and I think he will also admit that nothing remains, even his neutrality in regard to the Communal Award goes. Is that the reason why, he having taken up the position that it should be thrown out lock, stock and barrel, says in the second part of his amendment that he is neutral to the Communal Ward? Now, Sir, I cannot accept his view. He has no alternative either, and, therefore, it is a pure and simple negative position, and I cannot subscribe to that position. That is the reason, Sir, why I have been compelled to put forward my amendment. My amendment accepts the Communal Award, — and, remember when until a substitute is agreed upon between the communities concerned. Now, it may be that our Hindu friends are not satisfied with the Communal Award, but at the same time I can also tell the House that my Muhammadan friends are not satisfied with it either (Hear, hear), because it does not meet their full demand. And, speaking for myself, personally, I am not satisfied with the Communal Award (Hear, hear), and, again, speaking as an individual, my self-respect will never be satisfied until we produce our own scheme. (An Honourable Member: "Very good of you") (Hear, hear). Do not relegate me only to God, but take the man into consideration also. But why do I accept it? I do not want to go into the past history, but I can tell the House that I accept it, because we have done everything that we could so far to come to a settlement, though, so far, we have not been able to come to a settlement, and, therefore, whether I like it or whether I do not like it, I accept it, because unless I accept that, no scheme of Constitution is possible. ("Hear, hear" from Official Benches) Therefore, please stop this talk of rejection now. For the time being let it stand. I entirely reciprocate every sentiment which the Honourable the Leader of the Opposition expressed, and I agree with him, that religion should not be allowed to come into politics, that race should not be allowed to come into politics. Language does not matter so much, I agree with him, if taken singly one by one, religion is merely a matter between man and God, I agree with him there entirely; but I ask him to consider this, — is this a question of religion purely? Is this a question of language purely? No, Sir, this is a question of minorities and it is a political issue. (*Some Muslim Honourable Members*: "Civilization and culture.") Have we not got in other countries questions of minorities? Have not those problems been faced and solved, — and this problem must also be faced and solved, Now, what are the minorities? Minorities mean a combination of things. It may be that a minority has a different religion from the other citizens of a country. Their language may be different, their race may be different, their culture may be different, and the combination of all these various elements — religion, culture, race, language, art, music, and so forth makes the minority a separate entity in the State, and that separate entity as an entity wants safeguards. Surely, therefore, we must face this question as a political problem, we must solve it and no evade it.

Then, my Honourable friend laid down the proposition, acquisition first, and distribution afterwards. There is a great fallacy, if I may say so most respectfully, in that statement. This is not a question of acquisition and distribution. It is not that we are acquiring some land, it is not that we are going to enter upon a venture and then we share or distribute the spoils,. But, may I know if that proposition is correct, why did Mahatma Gandhi fast to death and come to an agreement with the sanction and concurrence of all Leaders from India and arrive at the Poona Pact as regards the Depressed Classes? (Hear, hear) Why were they not told, acquisition first and distribution afterwards? (Hear, hear) Mahtama Gandhi was right. He knew, and they are drawn from your race, they are Hindus, 50 or 60 millions of Hindus. He was right, and I agree with him. I begged of him in

England. First he said: "No, I will not divide the Hindus. I will never agree to this." I begged of him. Believe me, I pleaded more for the Depressed Classes before Mahatma Gandhi than I did for the Mussalmans. But he was adamant, but ultimately he did realise, and I congratulate my Hindu brethren that they have, by recognising and giving this protection and safeguard to the Depressed Classes, won them over, and today he is still working for their amelioration. Show us the same spirit, join hands with us and we are ready (Hear, hear). I will say no more about the Communal Award.

Now, I come to the question of my amendment. Sir, the Honourable the Leader of the House was very hard on me. He said, he understood the straightforward, honest amendment of the Leader of the Opposition, but he said that mine was a disingenuous.....

The Honourable Sir Nripendra Sircar (Leader of the House): Crooked and tortuous.

Mr. M. A. Jinnah: He reminded me of a petty court where a petty lawyer, when he has got a bad case, abuses the other side. So he started by abusing me. He never told me why it was crooked, why it was tortuous and why it was disingenuous.

The Honourable Sir Nripendra Sircar: I will tell you at 3.30.

Mr. M. A. Jinnah: Ah: That is the game, that is adopting tactics which are not fair in this House. It may have been all right if he was in the High Court working for a reply. I want Government to put their cards on the table and tell me on what grounds you say that my amendment is disingenuous, tortuous and crooked.....

The Honourable Sir Nripendra Sircar: Grounds I have stated.

Mr. M. A. Jinnah: You have not stated. What does he say? Mr. Jinnah, by his amendment — I suppose he meant No.3, he could not have meant No.2 — he said, if the third amendment of Mr. Jinnah was carried, what would happen? He said, "What he want us to do is this. He wants to destroy the foundation, he wants to keep the upper storey and wants us to change the glasses and the windows". Is that your answer? Have you studied your own Bill? There is not foundation that we can talk of except one, and there is no storey, and the only storey is the pretty storey of the Law Member about glasses and windows. Go and deliver those stories to the children. (Laughter) There is no such thing as a storey here, and I shall illustrate it to the House. Let us examine this thing. Now, what are we doing? We are building a constitutional scheme for the provinces first, then we are building a scheme for the Central Government, it is all ground floor, there is no storey. I was threatened further, if the third amendment of mine were carried, the whole Bill would drop. But what does the Bill itself do? What does the Joint Parliamentary Committee Report itself say? It says that, in the first instance, Provincial Autonomy will come into being as soon as this Bill is passed, or very soon after it. But the Federation is not coming into being. It may take two years, it may take three years, it may take five years, and they have laid down in this very report and the White Paper proposals that there may be difficulties after the Provincial Autonomy has come into being in full working order. There may be difficulties, and there are various other conditions which have got to be complied with. They have got to get the assent of the princes, they have got to get the instruments of accession, they have got other things to do. Then, at page 286 of the Joint Parliamentary Committee Report, we find this:

> "It is probable that it will be found convenient, or even necessary, that the new Provincial Governments should be brought into being in advance of the changes in the Central Government and the entry of the States. But the

> coming into being of the autonomous Provinces will only be the first step towards the complete Federation for which the Constitution Act will provide; and His Majesty's Government have stated that if causes beyond their control should place obstacles in the way of this programme, they will take steps to review the whole position in consultation with Indian opinion.
>
> Provision will accordingly be required in the Constitution Act for the period, however short it may be, by which Provincial Autonomy may precede the complete establishment of the Federation. The nature of the transitory arrangements contemplated for this purpose is explained in paragraph 202 of the Proposals."

And that it is provided in the Bill itself. Therefore, the question of Federation coming into being still is suspended, it is subject to the vote of the two Houses of Parliament, and it is subject to various other conditions which will have to be complied with. Now, my reply to you is this. Please stop this scheme, — remember, I want to emphasise, this scheme of Federation, stop it. I do not want to wait for those conditions to arise. The conditions have already arisen in my judgment, and I say, stop this. What are the conditions that have arisen? The conditions that have arisen are these. I have seen your scheme and it is thoroughly rotten, fundamentally bad and totally unacceptable. (An Honourable Member; "Why?") Why am I to be told that the whole Bill will be dropped? That is what I want to know. And now I will tell you why I object to this Central scheme. I object to the Central scheme first. Take your own words, Sir, not as the President, but as a public man, as a prominent leader and a Leader of the Independent Party. This is what you said: "The scheme is wholly unnatural, artificial and unknown to any Constitution". I would add to that — it is devoid of all basic and essential elements and the fundamental requirements which are necessary to form any Federation. My second ground is that it proposes the entry of the princes on terms and conditions laid down by them as *sine qua non* and as conditions precedent, and which are, on the face of them, most detrimental to the vital interests of British India. There may be an impression that I am against the princes. I am not against the princes. I am not against anybody. I am for British India. It is not that I do not wish to have anything to do with the princes. I have said it over and over again that I am not opposed to All-India Federation and the Honourable the Home Member very rightly said that even Mahatma Gandhi was not opposed to All-India Federation. What follows from that? When I say that I am not opposed to All-India Federation, does it follow from that that you are to hold me to any scheme of All-India Federation that you lay down, however bad and however unacceptable it may be? Is that the argument? The point is not that we are opposed to All-India Federation, but what kind of All-India Federation? I say, standing on the floor of the House, that I do not preclude myself from considering any alternative scheme of All-India Federation which, I think, is in the interests of British India, and I shall be only too glad if I am satisfied that it is good to accept it. I know this also, that having regard to these impossible terms, which the princes have laid down it is impossible to construct any kind of Federation worth its name, and, therefore, I say it is no use going on like this. We have gone on for four years. On the one hand, the Princes have laid down their definite ultimatum – this and no more. On the other hand the British Government have laid down their safeguards – an iron wall. This you msut accept! And I am between the two. You accept this and call it a Federation. That is not a fair way of looking at the scheme. Therefore, I am obliged to say this scheme is not acceptable. As regards the Honourable the Home Member, I accept every word of what he said about his sincerity. I appreciate his appeal. I understand the spirit in which he spoke. I am thankful to him for all that. I know that he believes what he said. What he said was this: take this and work it. He said: "When there was no light, what happened to Moses? He was in darkness". True, but is there any light here? Is this the light? I say that Moses is still in darkness.

The Honourable Sir Henry Craik: My point was that it was not we, but the Congress Party who blew out the candle.

Mr. M. A. Jinnah: When it suits the Home Member, when it suits the Government, they say that the Congress represents the whole of India. When it suits them, they say that the Congress is only rebels and a minority in this country. Where do I come in? Where do all these stand(pointing to some of the Muslim Members and the rest of the House)? This really is not a fair argument – because of the utterances of a few of my countrymen, you are going to impose this Constitution on India and, therefore, I should accept it. Might I not turn round and say: What about Mr. Churchill, Lord Lloyd, Sir Michael O'Dwyer, Sir Reginald Craddock and the rest of them?" If I am to believe their utterances and go by them, would I not be justified to say: "I will kick the British out from India at once and there is nothing to talk about?" Do I say that? But the British Government are determined to impose on me this Constitution, which, they know perfectly well, as well as I do, is much worse than the present Constitution. Why do they want to impose this upon us against our will? If I were to go by the utterances of one section or one party, and then decide to meet that, it is not a fair deal to India. It is an excuse. When I have examined this problem in no light manner, but with full responsibility, what do I find? I believe that it means nothing but absolute sacrifice of all that British India has stood for and developed during the last 50 years, in the matter of progress in the representative form of Government. No province was consulted as such. No consent of the province has been obtained, whether they are willing to federate as federating units on the terms which are laid down by the princes or by the British Government. My next objection is that it is not workable. It does not really satisfy anybody and it certainly does not satisfy the minimum demand of anybody. It is not workable. Believe me, it will lead us to nothing but bitterness and ill will, nothing but wrangles in the so-called Federal Legislature. I appeal to the princes to consider whether they are prepared to draw the chestnuts out of the fire. I appeal to the princes also — is this the responsibility which they laid down for the Centre and on which condition they were prepared to come into the Federation? The princes laid it down that, "yes, we are willing to come, provided there is a real, substantial responsibility at the centre". Do they find that is there? Here there are 98 per cent. of the safeguards and two per cent. of responsibility. Sir, I appeal to them to consider this aspect.

Now, next, what do we find about the safeguards? I am not going into the various clauses of the Statute, I will only give a short summary to the House in two sentences. Reserve Bank, Currency, Exchange — nothing doing. Railway Board — nothing doing, mortgaged to the hilt. What is left? Fiscal Autonomy Convention. (Laughter) Next, what is left? Defence, External Affairs — reserved. Finance — it is already mortgaged to the hilt, our Budget, and the little that may be there, what do we find? Special responsibility of the Governor General! His powers as to the Budget and the estimates, his powers as to the interference in legislation, his extraordinary powers, his special responsibility, Sir, what do they leave us? What will this Legislature do? The Honourable the Home Member said: "Are we willing to go on with this present humiliating and intolerable Constitution?" I say, I do not like this Constitution, it is humiliating, it is intolerable, but I will refer you to the words of Lord Reading. It has got more powers than the one that you are giving me, and the one that you are proposing now is more humiliating and more intolerable than the present one. But I know they will say to me, — and I think somebody said that the Leader of the Opposition is really playing the same role as Mr.

Winston Churchill, — and that I shall be told also probably that I am playing the same role as Mr. Winston Churchill because he wants to wreck the scheme and we are joining hands with Mr. Churchill. You will say that to me. Yes, I know that.

The Honourable Sir Henry Craik: You are.

Mr. M. A. Jinnah: I am doing it with my eyes open.

The Honourable Sir Nripendra Sircar: You may change any moment, Churchill won't.

Mr. M. A. Jinnah: I am not concerned whether the Law Member changes or whether I change. I am now concerned with expressing my opinion. This, Sir, is a grave moment. I have to express my opinion and I must express my opinion with all the responsibility, deliberately and clearly, and that is what I am concerned with. Nor am I concerned with the threat of the Law Member that the Bill will be dropped. He knows nothing about it. The whole of the Government of India know nothing about it. (Laughter) What is the good of their pretending? I am not going to make any appeal to them. As the Home Member very correctly said, neither the Government nor the people of this country have the last word; the last word is with Parliament. I want to express my opinion for the benefit of Parliament and I want to tell them what my opinion is, and let them take the consequences. Therefore, if the Home Member said: "You are playing into the hands of Mr. Churchill", my answer is: "if you want to misunderstand us, do so, if you want to misrepresent us, do so. We are not agreeing with Mr. Churchill. Mr. Churchill's point is that he does not want any advance at the Centre. That is not my point. My point is that I do not want this scheme at the Centre, and I call upon you to review the whole position in consultations with Indian opinion and to establish a responsible Government in my country". (Loud and prolonged Applause) That is the difference. Well, Sir, as I say, therefore, it is no use misrepresenting us. Then, Sir, it is really a breach of a solemn announcement made by the Viceroy, then Lord Irwin, now Lord Halifax, and, as Mr. Sastri said, with the change of his name, he has changed his views also. (Laughter) But, Sir, the announcement that he made was not on his own personal behalf, but on behalf of His Majesty's Government, and what was that announcement? "That His Majesty's Government will place those proposals before Parliament which will receive the largest common measure of agreement". I ask you in all your conscience, has the scheme received the largest common measure of agreement — I mean of the Indian opinion? It may have received the largest common measure of agreement of the Conservative Party, but that was not the announcement. Therefore, there is no agreement. Then, we were told in our earlier stages that we were going to make India an equal partner. Sir, that word is dropped recently. Is this a partnership? Sir, the meaning of the word "partnership" and the meaning of co-operation with our British friends was this, "that we, will call you a partner, but you must do as I tell you". Well, we will call it "co-operation and goodwill" provided you submit to me in everything that I say and everything that I do. That is goodwill! That is co-operation! Sir, I from the very start, felt — and I am more convinced than I was at that time — that this idea of an All-India Federation was started as a device in order to withhold responsibility at the Centre in the British Indian Constitution. We were put on the wrong track. Anybody, who had any sense must have seen or at any rate, within a short time, realised that the scheme, which we were led into and had undertaken to construct, was impossible really to construct. It was an impossibility almost, from the start, and now there is this vicious circle: Provincial Autonomy, Federation, then Responsibility at the Centre. *What responsibility at the Centre?* This. If you don't accept this scheme, no responsibility at the Centre, and there is nothing more to be done, and even Provincial Autonomy must go. The whole thing is to be dropped. I, therefore, say to this House that the third part of my amendment really is clear, is definite in this, that I do not accept the scheme, and I call upon His Majesty's Government to review the whole position in consultation with Indian opinion.

My friend, Mr. Mody, said, why not say now that these are the modifications we want. The answer I can give is this. I think the House will agree with me, because it is on record that at the First Round Table Conference we made proposals and suggestions which ended in the Sankey report. We practically rejected most of the important considerations. At the next Round Table Conference, we again made proposals and suggestions. It was worse than the first one. And what is more important is that when they say that the proposals that we made would give us an advantage, they took jolly good care to see that some safeguard is invented to prevent that being exercised. The Third Round Table Conference was still worse. Then came the Joint Parliamentary Committee. I do not challenge for a single moment that some of the Indian gentlemen who associated with the Joint Parliamentary Committee were patriots. They were men for whom I have respect, however much I may disagree with them. They tried their very best. As Mr. Sastri said, they were not only incurable optimists like my Honourable friend, Mr. Mody, but they were chronic and incurable co-operators and they hoped against hope and they thought that they could still appeal to the fair mind of the British people and the British statesmen, and they went on in that hope. Ultimately, when all failed, they prepared a Joint Memorandum. All sections — Hindus, Muhammadans, Parsees and others — jointly said: At least give effect to these modifications. They were the moderate of moderates. What has happened to it? There is that Joint Memorandum now? It is in the waste-paper basket. Sir, I say, our self-respect demands that, helpless as we are, we must move on. We have seen this scheme, and we are not going to accept it. I want no more dilly-dallying;, I want to express my definite opinion. I am threatened: Are you going to remain in darkness for ever? Are you going to go without a Constitution of any kind for ever? Well, these threats are not going to disturb me. These threats are not going to prevent me from expressing my views. If you like, go on with this Constitution. Therefore, Sir, I hope I have convinced the House that I am not taking merely what you may call a petulant attitude or that I am trying to force my views on anybody. I say, these are the events and I say that we must really express our opinion now unequivocally. Then, about the safeguards. It is said — I think the Honourable the Law Member said it — that these safeguards will not be used. Sir, I have got the speech of the Secretary of State for India with me, and I do not want to quote it. But he says that these safeguards are going to be used. Not only are they going to be used, but he says: Remember what is behind them. The whole service is behind us and ultimately he says the whole army is behind us, and these safeguards are going to be used. So, what is the good of telling me that they are not going to be used?

The next thing I wish to say is this. Sir Joseph Bhore made an appeal — a personal appeal, and I have great respect for him. I have very great respect for his opinion. He said, make the best of it. Sir, I would have understood that, but then he quoted Abrahamn Lincoln, a great patriot with noble sentiments. When he quoted Abraham Lincoln, it reminded me "the devil quoting the scripture". He did not finish the scripture. Is there any analogy between what Abraham Lincoln said there and the conditions and the circumstances that were in front of him and the conditions and circumstances that are in front of us? Sir, that is what I have to say so far as the third part of my amendment is concerned.

With regard to the second part of my amendment, I think Honourable Members ought to appreciate that I am not carried away by any extraneous considerations. If I had been, I would have certainly agreed with my Honourable friend, the Leader of the Opposition. I may be wrong or I may be right, but I do believe and I have no hesitation in saying so on the floor of this House, that so far as the provincial schemes are concerned, they are undoubtedly an advance on the present, and that is why I want to make a distinction. They are an advance to this extent, and I will put it shortly. First of all, the franchise, the enlargement of the electors and voters. That is the foundation-stone of any Constitution. That is an advance in my judgment. Next, all the Members of the Provincial Legislatures will be elected: that is an advance. Your Cabinet in the provinces will be of the elected Members responsible to the Legislature and the Legislature will be responsible to the electorates. That framework of the Provincial Constitution is undoubtedly an advance. But having done that, there are certain objectionable features which I have already pointed out, such as, the Second Chamber and the Governor's powers. I think the Honourable the Leader of the House was wrong when he said that I was only dealing with special responsibility. My amendment deals not only with special responsibility but it says that there are some highly objectionable features, particularly the Second Chamber and the extraordinary and special responsibility powers – I am not making any distinction – and, of course, rules with regard to the Police and the Intelligence Department. Therefore, the distinction that I make is that with regard to the provincial scheme, I cannot say that I am so fundamentally opposed to it as to reject it. Therefore, I say, please make those modifications, and if you make those modifications.....

Mr. S. Satyamurti: Is there any chance?

Mr. M. A. Jinnah: I am not going now by chances. I am not gambling here.

Mr. S. Satyamurti: You are.

Mr. M. A. Jinnah: I am not. I am expressing my opinion. I am not here at a game of chance. Therefore, I am expressing my opinion and I am expressing it, as far as it lies in my judgment, honestly and fairly and consistent with the realities and the facts. Therefore, I say, make these modifications. I think the Honourable Member, the Leader of the Opposition, said that my amendment also means a rejection.

Mr. S. Satyamurti (sitting): Even the Leader of the House says so.

Mr. M. A. Jinnah: Have you got to say anything?

(Mr. Jinnah sat down, but there was no reply from Mr. Satyamurti.)

The Honourable the Leader of the Opposition said that my amendment also means rejection, I mean the third part of my amendment. He takes a legal view, and, to a certain extent, he is right, and I will tell you to what extent, he is right. You have made an offer, and so far as he is concerned, he says: "I do not look at it. It is so bad and I am so much disgusted with it that I do not want to look at it or any part of it."

Mr. Bhulabhai J. Desai: (Bombay Northern Division: Non-Muhammadan Rural): I have looked at it, but found it disgusting.

Mr. M. A. Jinnah: He says: I won't look at it again; I am finished with it. I, on the other hand, say: "Yes, I have examined it; it is bad as far as provinces go, and the Central scheme is totally bad, fundamentally bad; however, I do not stop there, but I make you a counter-proposal," because, I think, it is my duty not merely to indulge in a flat negative. You will say: "What do you want then?" Well, Moses does not want to be in darkness for all time. Moses says to you: "This is my alternative and proceed with it". Modify the Provincial scheme, drop the central scheme, and review the whole position in consultation with Indian opinion with a view to establishing complete responsible Government in British India. Sir, I have done. (Applause)

Mr. F. E. James (Madras European):............Sir, we felt sincerely last week that the rejection of the Indo-British Trade Agreement was a great mistake; some of us indeed feel that it was a great folly which was perpetrated by this House. We believe that the rejection of these proposals, we believe that the carrying of the Congress Resolution, we believe that the carrying of Mr. Jinnah's Resolution in respect of its second and third parts, will be an equally great mistake. We believe it will be an action that will not redound to the credit of this country and will make things difficult for a generation, in regard to the settlement of the outstanding issues between my country and Mr. Jinnah's country.......

Mr. M. A. Jinnah: We will take the consequences.

Mr. F. E. James: What are the consequences?

Mr. M. A. Jinnah: We will take all the consequences.

Mr. F. E. James: What has he got to take? He is not responsible for the consequences if his motion is carried: if it was within his power to reject this Constitution, what then?

Mr. M. A. Jinnah: I will tell you when the time comes.

Mr. F. E. James: My Honourable friend says: "I will tell you when the time comes". It is something he will tell us in the future: he has not told us today. He is casting aside an opportunity for high statesmanship which, I believe, will not recur again for many years to come. Therefore, we believe, if I may parody the phrase used by Mr. Baldwin the other day, that to carry either the Congress Resolution or the second and third part of Mr. Jinnah's Resolution will be to do the wrong thing at the wrong time and in the wrong way.

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The Honourable Sir Nripendra Sircar:.....I shall come immediately to the proceedings of the Round Table Conference from this point of view. The members who were there — I am not talking of people whose sincerity can be doubted — but of members including my friend, Mr. Jinnah. What were they doing there? Were they putting the nation first, or the interests of the community first, before the Round Table Conference? What was the impression which the people listening to them from day to day were gathering about these dissensions? Now, Sir, to put it very briefly, the position was this. My Honourable friend, Mr. Fuzlul Huq, is not here. He, for example, after describing the glories of the Muslim reign, proceeded to say there that, unless Muslim rights were safeguarded — which meant, when analysed, a special electorate, a proportion in the public services, and so on — I am not going through the whole gamut of it — unless that is done, it is no good our discussing any matter.

Now, what was the attitude of my friend, Mr. Jinnah? He made it perfectly clear that the first thing which has got to be done is the protection of Muslim interests. "If you do not do that, it is no good entering into any further discussion." If, Sir, I have referred to my Honourable friend, Mr. Fuzlul Huq, or to my Honourable friend, Mr. Jinnah, I am not suggesting for one moment that it was only that particular community which was behaving in that way. I am not trying to allocate any blame as between one community and another; it is only because those two Honourable gentlemen happened to be there and made speeches here, as also there, that I am referring to them.

Sir Muhammad Yakub: Why is no reference made to Bhai Parma Nand and Mr. Lalchand Navalrai and Mr. Aney?

An Honourable Member: Because, they are not in the House.

Mr. M. A. Jinnah: What about yourself in England? There is no answer to that.

The Honourable Sir Nripendra Sircar: That appears from the proceedings..........

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Sir Cowasji Jehangir: I may point out to the Honourable the Law Member that we all took part in it, and we all had squabbles. Let us drop it now. You had one, Mr. Jinnah had one, Mr. Ghuznavi had one.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

An Honourable Member: Do not have squabbles now here.

The Honourable Sir Nripendra Sircar: My Honourable friend's idea of not having a squabble was to get up and interrupt me.

Mr. M. A. Jinnah: Why should he not be interrupted?

The Honourable Sir Nripendra Sircar: I am not suggesting that they did anything wrong, but what I am pointing out is this, that Mr. Jinnah later on made it perfectly clear that the Muslims would not proceed to the discussion of the clauses relating to the Army and to financial safeguards until the communal decision had been given, until he knew perfectly well the position of the Muslim community. Now, Sir, I am pointing that out not for the purpose of expressing my opinion on the communal decision, but for showing that national interests have always been relegated to the background. I do not want to say a single word about the communal decision. The question is, why safeguards must exist.

Sir Muhammad Yakub: You have already expressed your opinion in your Pamphlet.

The Honourable Sir Nripendra Sircar: I am pointing out for the purpose of showing that, as a matter of fact, the communities were not prepared then, and they are not prepared now to sink their jealousies and their communal wrangles in the interests of the nation. I am trying to answer my Honourable friend, Mr. Desai's question whether differences of religion and race can in our case stand in the way of advance.

Now, Sir, if I may proceed, I think there is an interesting statement at the next page which the House may like to hear. This is from my Honourable friend, Mr. Jinnah's speech, page 140:

"Sir, let me tell you in this connection that, so far as we are concerned, the Simon Commission is dead. The Government of India despatch is already a back number, and there has arisen a new star in our midst today and that is the Indian princes."

Sir, there is hardly time to take you through all these details which are also not necessary, but my Honourable friend, Mr. Jinnah, is apparently fond of referring to stars. I remember, the other day, when we were discussing the Trade Pact, after one of his dramatic pauses, he pointed heavenwards and said: "That is not my guiding star." He had found his guiding star in the princes.

Mr. M. A. Jinnah: I did not say "guiding": I said a new star.

The Honourable Sir Nripendra Sircar: New star, I quite concede. There is no star which can guide my Honourable friend.

Mr. M. A. Jinnah: Except the Law Member. (Laughter)

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The Honourable Sir Nripendra Sircar: I have been asked a question. Of course in future I do not desire to take notice of interruptions. I was asked if there could be any safeguard against safeguards. I say, yes, the answer is obvious. Provided you behave reasonably, that is a safeguard against safeguard and the safeguards will not be used at all.

My Honourable friend, Mr. Jinnah, in today's speech started with *The Statesman*, and I need not trouble myself with that. After that, came his personal explanation as to why he did not go again to the Round Table Conference which also is not very material except that it will be for his Community to judge whether the replacement of Mr. Jinnah by Sir Abdur Rahim and Agha Khan to take part in the Conference was such a terrible calamity for that community — that is a matter for that community alone — do not take part in it.

Then, he said in today's speech and he was criticising my speech and he said "Storeys do not exist and there is no foundation. I am not trying to uproot the foundation, and go and tell these stories to children." Well, Sir, I do not know that my Honourable friend, Mr. Desai, is exactly a child, because he apparently had come to the conclusion that the object of Mr. Jinnah is the same as that of himself, namely, to get rid of the entire scheme.

The next argument which was advanced was this. "I am not trying to wreck the whole scheme, I only want to get rid of the part which deals with Federation." It is no good arguing in the abstract. In the Joint Parliamentary Committee Report, every one must have read that they came to the conclusion that a responsible British India Centre alone is not a possible situation. I am not going into the pros. and cons. and the reason for their conclusion. That being the conclusion, that we cannot have a British India Federation, now for my Honourable friend, if that is possible, that is the surest way of getting rid of the whole Bill. It is not a question of a threat. I only try to point out and I maintain that again that it is not possible, it is not a practicable proposition that you shall have only Provincial

Autonomy and no legislation on the footing at all-India Federation. I would ask this House to consider if the third portion of Jinnah's amendment is accepted, what is the British Government going to tell the princes. They have not declined to join. It is wide open to them to join now. Are they now going to tell them, "Oh, no! We have changed our mind. You please get out. We shall have a British India Federation alone. "My Honourable friend knows perfectly well that although in form it is an attack only on half, yet in substance, in effect, there is no difference in the amendment of my Honourable friend, Mr. Jinnah, and the amendment of the Congress Leader. Then it was said, "But, why? The two are severable, because a Federation may not come for two to five years". That is the idea, - I do not purport to give the exact words. Well, Sir, I have dealt with that. They have come definitely to the conclusion that a British India Federation is not possible.

Mr. M. A. Jinnah: Why not?

The Honourable Sir Nripendra Sircar: Read the Report. We are now discussing the question of this Bill. The Bill is on the foundation of the Joint Parliamentary Committee Report.

Mr. M. A. Jinnah: That can be changed.

The Honourable Sir Nripendra Sircar: Too late after every one has agreed to it. That Report has come to that conclusion, and, therefore, it is not a practical proposition to suggest that there should be a British India Federation now. I think my Honourable friend will correct me if I am wrong. He read a passage which must be from the speech of Sir Abdur Rahim on the White Paper. Now, as he relies on Sir Abdur Rahim's speech, I should like to bring to the notice of this House that what has been called the joint memorandum.....

Mr. M. A. Jinnah: What I quoted from Sir Abdur Rahim was the interview which he gave after the Joint Parliamentary

Committee Report was published.

. . . .

Bhai Parma Nand (West Punjab: Non-Muhammaden): On a point of order, Sir. I gave notice of my amendment first and I claim that it should have precedence over all other amendments. Therefore, I request you to put mine first.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not bound by the order in which these amendments are given notice of. As Mr. Desai's Party has given notice of this amendment, — and that Party is the Official Opposition in this House — the Chair, in its discretion, thinks that it will be in the interests of ascertaining the sense of the House better if that question is put first.

The question is:

"That for the original motion, the following be substituted:

'This Assembly is of opinion that the proposed scheme of constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme'."

The Assembly divided.

[When the division was going on, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was occupied by Mr. Deputy President (Mr. Akhil Chandra Datta) for a while who vacated thereafter on Mr. President (The Honourable Sir Abdur Rahim) resuming it.]

Mr. President (The Honourable Sir Abdur Rahim): One Honourable member who is unable to go to the lobbies will have his vote recorded. The Chair, therefore, directs the Tellers of "Ayes" and "Noes" Lobbies to go to the Honourable Member and have his vote recorded. The Chair wishes the same procedure to be followed with regard to this Honourable Member if there be any further division in connection with these motions.

AYES - 61

Aaron, Mr. Samuel.
Anev, Mr. M.S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ba Si, U.
Banerjea, Dr. P.N.
Baqui, Mr. M. A.
Bardaloi, Srijut N.C.
Bhagavan Das Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T.S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Mr. Basant Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bjhulabhai J.
Deshmukh, Dr G.V.
Fakir Chand, Mr.
Gadgil, Mr. N.V.
Giri, Mr. V.V.
Govind Das, Seth.
Gupta, Mr. Ghanshiam Singh.
Hosmani, Mr. S.K.
Iswar Saran, Munshi.
Jedhe, Mr. K.M.
Jogendra Singh, Sirdar.
Joshi, Mr. N.M.
Khan Sahib, Dr.
Khare, Dr. N.B.
Lahiri Chaudhury, Mr. D.K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C.N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nanad, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T.S.S.
Raju, Mr. P.S. Kumaraswami.
Ranga, Prof. N.G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sherwani, Mr. T.A.K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Naryan
Sinha, Mr. Shri Krishana.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U.
Varma, Mr. B.B.
Vissanji, Mr. Mathuradas.

NOES -72

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H.M.
Ahmad Nawaz Khan, Major Nawab
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Rao Bahadur A.A. Venkatarama.
Badi-uz-Zaman, Maulvi.
Bajoria, Babu Raijnath.
Bajpai, Mr. G.S.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L.C.
Chatarji, Mr. J.M.
Clow, Mr. A.G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R.D.
DeSouza, Dr. F.X.
Dow, Mr. H.
Drake, Mr. D.H.C.
Ebrahim Haroon Jaffer, Mr. Ahmed.
Essak Sait, Mr. H.A. Sathar H.
Fazl-i-Haq Piracha, Khan Sahib Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Gauba, Mr. K.L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairag, Syed.
Ghuznavi, Mr. A.H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F.W.
Hossack, Mr. W.B.
Hudson, Sir Leslie,
James, Mr. F.E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Jinnah, Mr. M.A.
Kirpalani, Mr. Hiranand Khushiram.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lindsay, Sir Darcy.
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad
Metcalfe, Mr. H.A.F.
Milligan, Mr. J.A.
Mody, Mr. H.P.
Monteath, Mr. J.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukharji, Mr. N.R.
Mukherjee, Rai Bahadur Sir Satya Charan
Muzaffaar Khan, Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Fran
Owen, Mr. L.
Raisman, Mr. A.J. .
Rajah, Raja Sir Vasudeva.

Rajan Bakhsh Shah, Khan Bahadu Makhdum Syed.
Rau, Mr. P.R.
Sarma, Mr. R.S.
Scott, Mr. J. Ramsay.
Scott, Mr. W.L.
Shafi Daudi. Maulvi Muahmmad.
Sher Muahmad Khan, Captain Sardar.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Pradyumna Prashad.
Sinha, Raj Bahadur, Harihar Prosad Narayan
Sircar, The Honourable Sir Nripendra
Swithinbank, Mr. B.W.
Tottenham, Mr. G.R.F
Umar Aly Shah, Mr.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There are other amendments which ask that there shall be no legislation based on the scheme of the Joint Parliamentary Committee's Report. All these amendments are barred. That is, the second amendment standing in the name of Mr. Desai and others, No.7 standing in the name of Bhai Parma Nand, No. 8 standing in the name of Dr. P.N. Banerjea, No.9 standing in the name of Mr. Suryya Kumar Som, No.10 standing in the name of Sardar Sant Singh and No. 12 standing in the name of Mr. Lalchand Navalrai.

Now as to the amendment standing in the name of Mr. Jinnah. That is divided into three parts. One relates to the Communal Award. It wants that the Communal Award should be accepted. No. 2 relates to the scheme of Provincial Governments and No.3 to the scheme of Central Government. The Chair proposes to take the first part, that is to say, the amendment relating to the Communal Award, separately from the other two. Nos. 2 and 3 will be taken together, as both are intended to formulate a scheme of Government.

Bhai Parma Nand: On a point of order.......

Mr. President (The Honourable Sir Abdur Rahim): Order, order. To the first part of Mr. Jinnah's amendment, the second part of the amendment of Mr. Desai, which the Chair has not yet put to the vote, may be moved as an amendment if he chooses.

Mr. Bhulabhai Desai: Yes, I formally move the second part of my amendment as an amendment to the first part of Mr. Jinnah's amendment that:

"As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award."

Mr. President (The Honourable Sir Abdur Rahim): The amendment of which Mr. Jinnah has given notice is:

"That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned."

The question the Chair has to put is:

"That for the first part of Mr. Jinnah's amendment which has just been read out, the following be substituted:

'As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award'."

The Assembly divided:

AYES - 44

Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Baqui, Mr. M.A.
Bardaloi, Srijut N.C.
Bhagavan Das, Dr.
Chettiar, Mr. T.S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumnar.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh Dr. G.V.
Gadgil, Mr. N.V.
Giri, Mr. V.V.
Govind Das, Seth.
Gupta, Mr. Ghanshiam Singh.
Hosmani, Mr. S.K.
Iswar Saran, Munshi.
Jedhe, Mr. K.M.
Jogendra Singh, Sirdar.
Khan Sahib Dr.
Khare, Dr. N.B.
Mudaliar, Mr. C.N. Muthuranga.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Naryan Singh, Choudhri.
Rajah, Raj Sir Vasudeva.
Rajan Dr. T.S.S.
Raju, Mr. P.S. Kumaraswami.
Ranga, Prof. N.G.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shoedass Daga, Seth.
Sherwani, Mr. T.A.K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Sinha, Raja Bahadur Harihar Prosad Narayan.
Sri Prakasa Mr.
Varma, Mr. B.B.
Vissanji, Mr. Mathuradas.

NOES - 84

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H.M.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Aney, Mr. M.S.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Rao Bahadur A.A. Venkatarama.
Azhar Ali Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bajoria, Babu Baijnath.
Bajpai, Mr. G.S.
Banerjea, Dr. P.N.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L.C.
Chatarji, Mr. J.M.
Chattopadhyaya, Mr. Amarendra Nath.
Clow, Mr. A.G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R.D.
Datta, Mr. Akhil Chandra
DeSouza, Dr. F.X.
Dow, Mr. H.
Drake, Mr. D.H.C.
Ebrahim Haroon Jaffer, Mr. Ahmad.
Essak Sait, Mr. H.A. Sathar H.
Fakair Chand, Mr.
Fazl-i-Haq Piracha Khan Sahib Shaikh

Gauba. Mr. K.L.
Ghaiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Mr. A.H.
Gidney, Lieut.-Colonel Sir Henry.
Graham Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F.W.
Hossack, Mr. W.B.
Hudson, Sir Leslie.
James, Mr. F.E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jinnah, Mr. M.A.
Joshi, Mr. N.M.
Kirpalani, Mr. Hiranand Khushiram.
Lahiri Chaudhury, Mr. D.K.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalchand Navalrai, Mr.
Lindsay, Sir Darcy.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalfe, Mr. H.A.F.
Milligan, Mr. J.A.
Mody, Mr. H.P.
Monteath, Mr. J.
Morgan, Mr.G.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Mukharji, Mr. N.R.
Mukherjee, Rai Bahadur Sir Satya Charan.
Murtuza Sahib Bahadur, Maulvi Syed.
Muzaffar Khan, Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Parma Nand, Bhai.
Raisman, Mr. A.J.
Rajan Bakhsh Shah, Khan Bahadur Mukhdum Syed.
Rau, Mr. P.R.
Sant Singh, Sardar.
Sarma, Mr. R.S.
Scott, Mr. J. Ramsay.
Scott, Mr. W.L.
Shafi Daudi, Maulvi Muhammad.
Shaukat Ali, Maulana.
Sher Muhammad Khan, Captain Sardar.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Som, Mr. Surya Kumar.
Swithinbank, Mr. B.W.
Tottenham, Mr. G.R.F.
Umar Aly Shah, Mr.
Yakub, Sir Muahmmad
Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The House has now come to Mr. Jinnah's original amendment. The question is:

"That the first part of Mr. Jinnah's amendment, namely:

'That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned'.

do stand part of his amendment."

AYES - 68

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H.M.
Ahmad Nawaz Khan. Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Rao Bahadur A.A. Venkatarama.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. G.S.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L.C.
Chatarji, Mr. J.M.
Clow, Mr. A.G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R.D.
DeSouza, Dr. F.X.
Dow, Mr. H.
Drake, Mr. D.H.C.
Ebrahim Haroon Jaffer, Mr. Ahmed.
Essak Sait, Mr. H.A. Sathar H.
Fazl-i-Haq Piracha, Khan Sahib Shaikh
Gauba, Mr. K.L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Mr. A.H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F.W.
Hossack, Mr. W.B.
Hudson, Sir Leslie.
James, Mr. F.E.
Jinnah, Mr. M.A.
Joshi, Mr. N.M.
Kirpalani, Mr. Hiranand Khushiram.
Lindsay, Sir Darcy.
Mehr Shah Nawab Sahibazda Sir Sayad Muhammad
Metcalfe, Mr. H.A.F.
Milligan, Mr.J.A.
Mody, Mr. H.P.
Monteath, Mr. J.
Morgan, Mr. G.
Muhammad Ahmad Kazmi, Qazi,
Muhammad Nauman, Mr.
Mukharji, Mr. N.R.
Murtuza Sahib Bahadur, Maulvi Syed.
Muzaffar Khan, Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A.J.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rau, Mr. P.R.
Sarma, Mr. R.S.
Scott, Mr. J. Ramsay.
Scott, Mr. W.L.
Shafi Daudi, Maulvi Muhammad
Shaukat Ali, Maulana
Sher Muhammad Khan, Captain Sardar.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Swithinbank, Mr. B.W.
Tottenham, Mr. G.R.F.
Umar Aly Shah, Mr.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

NOES - 15

Aney. Mr. M.S.
Bajoria, Babu Baijnath.
Banerjea, Dr. P.N.
Chattopadhyaya Mr. Ahmarendra Nath.
Datta. Mr. Akhil Chandra.
Deshmukh, Dr. G.V.
Fakir Chand, Mr.
Lahiri Chaudhury, Mr. D.K.
Lalchand Navalrai. Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Parma Nand, Bhai.
Rajah, Raja Sir Vasudeva.
Santd Singh, Sardar.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now, we have parts 2 and 3 of Mr. Jinnah's amendment.

Mr. A. H. Ghuznavi: Sir, as regards the two other parts of the amendment of Mr. Jinnah, I suggest it would be better to put them separately. Some of us may not be able to vote with him on the third part, while we may be willing to vote for his second part. Moreover, the two parts relate to different subjects.

Mr. Bhulabhai J. Desai: I submit that in any event of the case, the two parts are incapable of division. Undoubtedly in that sense, we might as well have caused every single section of the intended Bill to be put before the House, so that this House might express its opinion on each of the sections. Apart from what has happened earlier, the alternative, suggested by Mr. Jinnah, is a part of the whole scheme of Constitutional Reforms and the question is whether that alternative scheme should prevail in the opinion of the House or not.

Sir Cowasji Jehangir: Mr. President, there are two different issues to be placed before the House by Mr. Jinnah's amendment, parts 2 and 3. Since I personally would like to vote for part 2 of Mr. Jinnah's amendment, I think it would be preferable if they are put separately. (Hear, hear) I think a large majority of this House desire to vote on the second part.....

Some Honourable Members: No, no.

Sir Cowasji Jehangir: Mr. President, it is getting a little too much of a good thing that, as soon as one expresses an opinion different from that held by certain Honourable Members of this House, then comes forth immediately several cries of no, no. This is a question of procedure, it is not a question of opinion. I should be allowed to put my view with regard to the procedure to be followed without being interrupted.

Some Honourable Members: Oh! Oh!

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's protest is perfectly justified.

Sir Cowasji Jehangir: I think they are two different issues, and, of course, if you put those two together, some of us necessarily may have to vote against it, while we are anxious to vote for one of the parts.

Dr. N. B. Khare: Sir, I rise to a point of order. You have already ruled that both the parts should be taken together. Is the Honourable Member in order to question your ruling?

The Honourable Sir Nripendra Sircar: Sir, you were good enough to send for the Leaders this morning, and I certainly understood from Mr. Jinnah that he wanted the three to be put separately.

Mr. M. A. Jinnah: Is it open to the Honourable the Leader of the House to disclose any conversation that might have taken place not on the floor of the House, but in private?

Mr. President (The Honourable Sir Abdur Rahim): That conversation was not confidential, and, as a matter of fact, the Chair has itself stated more than once what happened in the President's Chamber when the Leaders of Parties were consulted.

The Honourable Sir Nripendra Sircar: I am not suggesting that he is estopped by it or that he cannot change his mind. What I do point out is a thing which relates to the merit of the question and it is unfair to change without notice. We look at it in this way. Supposing a person is of the opinion that legislation should not be proceeded with on the scheme of an all-India Federation and his opinion further is that, as regards the scheme of Provincial Government, it is quite satisfactory and the Second Chambers and extraordinary and special rules, etc., are not objectionable, then the two matters are quite distinct. If a person has one opinion on one thing and another opinion on another thing, the two things are quite different. That is my submission. I may agree with my Honourable friend, Mr. Jinnah, that I will not have legislation on this all-India Federation, but I may disagree with him as regards the Provincial Governments.

Mr. M. A. Jinnah: As I am in charge of this amendment, I must make my position quite clear to this House. It is perfectly correct that my original intention was that this amendment should be put in three parts. It has been pressed upon me, and I find a very strong reason why I should yield, that parts 2 and 3 should be put together. And the strong reason is this. The amendment says, "That for the original motion, the following be substituted". Therefore, one part being carried, which is purely a question of the Communal Award, the second part is the constitutional part. And, therefore, if I have to move as a substitute, both must be put together. I was impressed and saw the reason of this, and, I am, therefore, perfectly willing to agree to it.

Mr. A. H. Ghuznavi: Sir, on a point of information. I should like to know what is the real difference between Mr. Jinnah's amendment, part 3, and the barred amendments?

Mr. President (The Honourable Sir Abdur Rahim): The barred amendments related to the whole scheme and were exactly like the one already voted upon.

Mr. Deep Narayan Singh (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): The barred amendments did not say anything about the Communal Award while this includes it, and that is a big difference.

The Honourable Sir Nripendra Sircar: I want to say only one word.

Mr. M. A. Jinnah: Sir, I ask for your ruling. Is the Honourable the Leader of the House entitled to speak twice on a question of procedure?

The Honourable Sir Nripendra Sircar: With the permission of the Chair, I can speak twice.

Mr. M. A. Jinnah: I want your ruling Sir, as to whether the Honourable the Leader of the House can speak twice on a question of procedure.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it is the practice to allow one Honourable Member to speak more than once. The Chair thought, as a matter of fact, that he was saying something by way of personal explanation.

This is really not a matter on which, so far as I know, there are any precedents for the Chair's guidance. The Chair has, therefore, to decide the point of order raised on a *priori* grounds. The Chair does think that, as the Honourable the Mover says, it is part of a scheme, and if the two parts are put separately to the vote, it may be veery difficult to ascertain what the views of the House are as regards the scheme which is embodied in the Joint Parliamentary Committee Report. The Chair will, therefore, put both these parts together as it thinks that that will enable it to ascertain the sense of the House as regards the amendments sought in the scheme of Government as expounded in the Joint Parliamentary Committee Report.

The question is:

"That the following do stand part of Mr. Jinnah's amendment:

"2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

3. With respect to the scheme of the Central Government, called 'All-India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation wish Indian opinion without delay'."

The Assembly divided:

AYES - 74

Abdur Matin Chaudhyry. Mr.
Aney. Mr. M.S.
Anwar-ul-Azim. Mr. Muhammad.
Asaf Ali. Mr. M.
Ayyangar Mr. M. Ananthasayanam.
Azhar Ali. Mr. Muhammad.
Ba Si. U.
Badi-uz-Zaman. Maulvi
Banerjea. Dr. P.N.
Baqui. Mr. M.A.
Bardaloi. Srijut N.C.
Bhagavan Das. Dr.
Chattopadhyaya. Mr. Amarendra Nath.

Chettiar. Mr. T.S. Avinashilingam
Das. Mr. B.
Das. Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai. Mr. Bhulabhai J.
Deshmukh, Dr. G.V.
Essak Sait. Mr. H.A. Sathar H.
Fakir Chand, Mr.
Gadgil. Mr. N.V.
Gauba. Mr. K.L.
Ghiasuddin. Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V.V.
Govind Das, Seth.
Gupta. Mr. Ghanshiam Singh
Hosmani. Mr. S.K.
Iswar Saran. Munshi.
Jedhe Mr. K.M.
Jinnah. Mr. M.A.
Jogendra Singh. Sirdar.
Joshi. Mr. N.M.
Khan Sahib. Dr.
Khare. Dr. N.B.
Lahiri Chaudhury, Mr. D.K.
Lalchand Navalrai, Mr.
Maitra. Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar. Mr. C.N. Muthuranga.
Muhammad Ahmad Kazmi. Qazi.
Muhammad Nauman. Mr.
Murtuza Sahib Bahadur. Maulvi Syed.
Nageswara Rao. Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant. Pandit Govind Ballabh.
Raghubir Narayan Singh. Choudhri
Rajan Bakhsh Shah. Khan Bahadur Makhdum Syed.
Rajan Dr. T.S.S.
Raju, Mr. P.S. Kumaraswami.
Ranga. Prof. N.G.
Saksena, Mr. Mohan Lal.
Sant Singh. Sardar.
Satyamurti, Mr.S.
Shafi Daudi, Maulvi Muhammad.
Sham Lal Mr.
Sheodass Daga, Seth.
Sherwani. Mr. T.A.K.
Siddique Ali Khan. Khan Sahib Nawab.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som. Mr. Surya Kumar.
Sri Prakas, Mr.
Thein Maung. Dr.
Thein Maung. U.
Umar Aly Shah. Mr.
Varma. Mr. B.B.
Vissanji. Mr. Mathuradas.
Ziauddin Ahmad. Dr.

NOES - 58

Abdoola Haroon. Seth Haji.
Abdullah. Mr. H.M.
Ahmad Nawaz Khan. Major Nawab.
Allah Bakhsh Khan Tiwana. Khan Bahadur Nawab Malik
Ayyar. Rao Bahadur A.A. Venkatarama.
Bajoria. Babu Baijnath.
Bajpai. Mr. G.S.
Bhore, The Honourable Sir Joseph
Buss, Mr. L.C.
Chatarji. Mr. J.M.
Clow, Mr. A.G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R.D.
DeSouza. Dr. F.X.

Dow. Mr. H.
Drake. Mr. D.H.C.
Ebrahaim Haroon Jaffer. Mr. Ahmed.
Fazl-i-Haq Piracha. Khan Sahib Shaikh
Gajapatiraj. Maharaj Kumar Vijaya Ananda.
Ghuznavi. Mr. A.H.
Gidney. Lieut.-Colonel Sir Henry.
Graham. Sir Lancelot
Grigg. The Honourable Sir James.
Hockenhull. Mr. F.W.
Hossack. Mr. W.B.
Hudson. Sir Leslie.
James. Mr. F.E.
Jawahar Singh. Sardar Bahadur Sardar Sir.
Jehangir. Sir. Cowasji.
Kirpalani Mr. Hiranand Khushiram.
Lal Chand. Captain Rao Bahadur Chaudhri.
Lindsay. Sir Darcy.
Mehr Shah. Nawab Sahibzada Sir Sayad Muhammad
Metcalfe. Mr. H.A.F.
Milligan. Mr. J.A.
Mody. Mr. H.P.
Monteath. Mr. J.
Morgan, Mr.G.
Mukharji. Mr. N.R.
Mukherjee. Rai Bahadur Sir Satya Charan.
Muzaffar Khan. Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A.J.
Rajah, Raja Sir Vasudeva.
Rau, Mr. P.R.
Sarma, Mr. R.S.
Scott. Mr. J. Ramsay.
Scott, Mr. W.L.
Sher Muhammad Khan. Captain Sardar.
Singh. Mr. Pradyumna Prashad.
Sinha. Raja Bahadur Harihar Prosad Narayan.
Sircar. The Honourable Sir Nripendra.
Sloan. Mr. T.
Swithinbank. Mr. B.W.
Tottenham. Mr. G.R.F.
Yakub. Sir Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has now to put the entire amendment to the House:

"That for the original motion, the following the substituted............"

Mr. Bhulabhai J. Desai: On a point of order, Sir: this is not a case of a substitution of a clause in a Bill by way of substantive motion. We have had the opinion of the House as it was competent for you to ascertain it. I would refer to section 145 — or rather paragraph 145 of the Manual. It is really defeating the purpose of that rule. Rule 145 says:

"When any Resolution involving several points has been discussed, it shall be in the discretion of the President to divide the Resolution and put each or any part separately to the vote as he thinks fit."

Therefore, that has been done, and the vote has now been recorded, and there is nothing more left.

The Honourable Sir Nripendra Sircar: Rule 145 has nothing to do with it. The Resolution which was put to the House was that such and such things stand part of the amendment. The next one was that somebody else's stand part of the amendment. The practice in this House is that the amendment has got to be put before the House (Several Honourable Member: "No, no.") That has been the systematic and universal practice in this House. Rule 145 merely says:

"When any Resolution involving several points has been discussed, it shall be in the discretion of the President to divide the Resolution and put each or any part separately to the vote as he may think fit."

Now, that has been done. But what has not been done is that no amendment has yet been put to the House. What was put is that (a), (b) and (c) stand part of the amendment, then the (d), (e) and (f) stand part of the amendment. But what is the amendment that is going to be put before the House? Mr. President, I would ask you to remember what is the course that is followed in this House and to judge for yourself as to whether, because the Resolution has been divided and put to the vote separately, therefore, the amendment has not got to be put to the House. That has never been put to the House.

Mr. M. A. Jinnah: I submit, Sir, that if you are going to adopt this procedure, you will reduce the whole thing to a perfect farce. That is what the Government want. (Hear, hear), and I hope that you will not be a party to that, because the

Government desire it. I want you, Sir, to decide this matter on merits. What was the motion? The motion was that the Report be taken into consideration. It does not say whether you should accept the Report or not. Now that being the nature of the motion, you have got three propositions which deal with rather two subjects now. There were three propositions before, but there are only two now. One is the Communal Award. The House had decided in favour of the Communal Award. Then it becomes a proposition. It is not an amendment in the strict sense of the word. The House then says 2 and 3, that so far as the constitutional scheme is concerned, this is our opinion. It is not an amendment, it is a proposition, and these two propositions having been accepted by the House, I say it will be a farce to say that you should put the whole of it, having put it separately in order to ascertain the view of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to know what the Honourable Member has to say. The Chair was proposing the question that for the original motion the following be substituted. That has not been put to the House.

Mr. M. A. Jinnah: Perfectly true, but the House has decided that for the original motion the other one be substituted. It is decided.....

The Honourable Sir Nripendra Sircar: No, no.

Mr. M. A. Jinnah: It has been decided by the House that for the original motion, No.1 — the Communal Award — be substituted. That is the proposition which has been accepted, surely. Otherwise, there is no meaning. Why did you put them separately then? The whole object of putting it separately was to ascertain the true opinion of the House on each point. You have ascertained that opinion. That opinion stands. There is no regular motion in the strict sense of the word, and there is no regular amendment in the strict sense of the word, and, therefore, we cannot follow the procedure which has been suggested to you. It is not a motion in the strict sense of the word, nor is it an amendment; they are propositions, and you, Sir, yourself accepted the position that they should be put separately as propositions.........

Mr. President: (The Honourable Sir Abdur Rahim): The Chair was simply trying to meet the desire of the Honourable Members.

Mr. M. A. Jinnah: If you will kindly refer to the rule, Sir, you will see that it is entirely within your discretion. You will also find that in rule 144, it is entirely in your discretion, and you will find that clause (2) of rule 144 says this:

"It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward......

The Honourable Sir Nripendra Sircar: Quite right.

Mr. M. A. Jinnah: Even then you would not put the motion last. You can put the motion first if you like and then put the amendment, or put the amendment first and the motion afterwards, but in this case there is no motion in the strict sense of the word.

Maulvi Muhammad Shafi Daudi (Tirhut Division: Muhammadan): Sir, we have got a precedent now in this matter......

The Legislative Assembly Debates, 1935, Vol: I,
pp. 262-65, 267-68, 292-93, 298-99, 488-489,
517-525, 529-30, 555-557, 560, 568-578.

19

Speech in the Central Legislative Assembly on the Resolution regarding Removal of Ban on the Khudai Khidamtgars' Organisation in the N.W.F.P., New Delhi, February 5, 1935.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"This Assembly recommends to the Governor General in Council to take immediate and necessary steps to remove or cause to be removed the ban on the Khudai Khidmatgars' organisation in the North-West Frontier Province."

Sir, I consider this an auspicious occasion to discuss a Resolution of this type when I find that people who took art in the Frontier movement, whether it is the Khudai Khidmatgar movement or whether it is running the official administration of that Province, are present here on the floor of this House. I am particularly happy to find my Honourable friend, Mr. Metcalfe, present here, and if he likes he can throw some light which his predecessors.......

Mr. H.A.F. Metcalfe (Foreign Secretary): On a point of explanation, Sir, May I say that I took no part in the Khudai Khidmatgar movement?

Mr. B. Dass: As the head of a district, my Honourable friend, Mr. Metcalfe, had to administer the laws as they stood then or the Ordinances that were promulgated thereafter......

Khan Bahadur Nawab Muzaffar Khan: ....I oppose the Resolution.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Mr. President, I really am an unwilling intervener in this debate, but having regard to the tone that this debate has taken, I feel that I owe it to the House that I should place my views before the House and the Government also. Sir, I followed the Honourable the Home Member with very great attention. I am willing to assume for a moment that the case that he presented to the House is correct, for instance, the description that he gave of what took place in 1930, 1931 and 1932, 1933 is missing, 1934 is missing, and we are now in 1935. I am not going, Sir, to accept the proposition that any movement of a gigantic character, such as the movement in the North-West Frontier Province, can possibly remain absolutely non-violent, whatever may be the desire of the leaders of that movement. It must necessarily lead to some violence, it must necessarily lead to some crimes. On the other hand, I am not prepared to accept the case of the Government that they were also not guilty of great blunders, and I think my friend, My Metcalfe, admitted it, at least in one instance, he very rightly and frankly expressed his regret that such a thing had happened. Sir, when forces are let loose on both sides, it is impossible to prevent grave mistakes, it is impossible to prevent grave blunders and violence on both sides. But, Sir, when the Honourable the Home Member, after making out a case for the Government, after trying to justify the actions of the Government, came to his conclusion, he lost all my sympathy, because he said it in so emphatic terms, "we are not going to remove the ban on this organisation". Why? Because he said......

Major Nawab Ahmad Nawaz Khan: There are dangers.

Mr. M. A. Jinnah: Please don't make too much of these dangers. Did we not make out a case that the Germans were baby killers? Have we not made peace with them? Is the war going to continue for all times, for ever and ever? (Hear, hear) That is the question I want to ask the Government. Do not overdo it. If you have vanquished your enemy, if you are a victor, it becomes you all the more to be generous when he has ceased those activities. And here you have Dr. Khan Sahib. He is a Member of this House. He has come to this Legislature. Are you not going to help, are you not going to encourage not only one leader of that organisation or two leaders of that organisation, but the rank and file? Do you want to refuse them, to turn them away and not give them a chance to come on to the path that you desire and I desire? And that is the constitutional path. Sir, I appeal to you to consider the question, because here you have, as the Honourable the Home Member very rightly says and he feels it and very rightly feels, – you have got here the almost unanimous wish and desire and opinion. We are not finding fault with you. We are not apportioning blame. I am not going into that. Do you want to be statesmen, or do you want still to continue this rancour and bitterness? That is the question. I say, if you really want to rise to the occasion, here is an occasion for you. Do restore peace in the North-West Frontier Province, bring them back to constitutional methods, and what is more, respond to the all-India feeling in this House. (Hear, hear) I tell you, it is not too late for you. Win them back win them back, and restore real honest peace and goodwill in the North-West Frontier.(Applause)

The Legislative Assembly Debates,
1935, Vol: I, pp. 366, 405-406.

20

Speech in the Central Legislative Assembly on the question regarding "Non-Applicability of Section 45 of the Specific Relief Act to Sind," New Delhi, February 5, 1935.

Mr. Lalchand Navalri: (a) Has the attention of

Government been drawn to the repeated remarks of the highest Court in Sind with regard to the non-applicability of section 45 of the Specific Relief Act to the province of Sind?

(b) Is it a fact that cases do arise in Sind similar to those in places where the Chartered High Courts have jurisdiction?

(c) Is it a fact that much as the High Court in Sind wished to interfere in the case reported in A. I. Reporter 1934, Sind 136, they could not exercise this jurisdiction and give relief for want of power under section 45, Specific Relief Act?

(d) Will Government be pleased to state what difference they make in this respect between the impotence of Sind Province and the other parts of Bombay Presidency where Section 45, Specific Relief Act does apply?

(e) Do Government propose, in view of the public and judicial authorities opinion, to take early measures to amend section 45, Specific Relief Act, and make it applicable to the Province of Sind and such other suitable parts of India to which it does not apply?

The Honourable Sir Henry Craik: (a) to (d). The Government of India are fully aware that the Court of the Judicial Commissioner in Sind has no power to issue an order under section 45 of the Specific Relief Act. In that respect the position of Sind is the same as the position of all other parts of British India, except those small areas to which the original civil jurisdiction of the High Courts at Calcutta, Madras, Bombay and Rangoon extends.

(e) The answer is in the negative.

Mr. Lalchand Navalrai: May I know what are the reasons for not making that improvement and applying the provisions of section 45 to other places where it is not applicable, where they are doing the same work as the Chartered High

Courts?

The Honourable Sir Henry Craik: That, I understand, is a very contentious question on which opinion is greatly divided.

Mr. Lalchand Navalri: May I request the Honourable Member to make enquiries on this point and ask the Provincial Governments whether they are in favour of this section 45 being applied or not. Something should be done.

The Honourable Sir Henry Craik: The whole question was fully considered about two years ago and the decision was that there was no case for extending the section to other parts of India.

Mr. Lalchand Navalrai: Two years is a long time. The new Constitution is coming in. Greater powers are being given to some other High Courts. Why should not this section to applied and powers given to Courts which do not possess them? I will request the Honourable Member now to make an inquiry and take some steps.

The Honourable Sir Henry Craik: I will consider that.

Mr. Lalchand Navalrai: Thank you.

Mr. M. A. Jinnah: May I press the Home Member to consider the case of Sind particularly?

The Honourable Sir Henry Craik: On what grounds?

Mr. M. A. Jinnah: Very many grounds.

The Legislative Assembly Debates,
1935, Vol: I, pp. 336-38

21

Speech in the Central Legislative Assembly on the question regarding Tariff Board Report on the glass industry, New Delhi, February 20, 1935.

Pandit Govind Ballabh Pant: (a) When was the report regarding the glass industry submitted by the Tariff Board to the Government of India?

(b) Had it been published?

(c) Have Government completed their examination and published their conclusions?

(d) Is it a fact that the United Provinces Glass Works, Ltd., Bahjoi, is the only concern engaged in the manufacture of Window Glass in India?

(e) Are Government aware that the said company has been put to considerable loss in this manufacture of window glass every year during the last six years?

(f) Is it a fact that the imports of window panes and plate glass in India from Japan have increased by more than 500 pere cent during the last four years?

(g) Have Government received any representation in this connection from the United Provinces Glass Works, Ltd.? If so, what orders have Government passed on it?

The Honourable Sir Joseph Bhore: (a) The Report was submitted in March, 1932.

(b) and (c), No, Sir.

(d) Yes, Sir.

(e) Government have received representations to that effect.

(f) Yes, Sir.

(g) A representation has recently been received from the United Provinces Glass Works, Ltd., and the matter is receiving the consideration of the Government of India.

Mr. B. Das: Are Government contemplating to give protection against Japanese dumping by applying the Safeguarding of Industries Act to this particular industry?

The Honourable Sir Joseph Bhore: I would like to explain that position and the position in regard to the glass industry, and it is this: only one section represented by the window-glass industry–a single factory in India–has made a representation. No other section, to my recollection, of the glass industry has made any representation, and they seem to be quite satisfied with the revised duties which were imposed last year.

....

Pandit Govind Ballbah Pant: When do Government expect to reach their final decision in this matter? It has already been pending before them for more than three years?

The Honourable Sir Joseph Bhore: I have already given an answer; if my Honourable friend will wait until the conclusions of the Government have been formulated, he will find that there have been very good reasons for the delay: I hope there will not be any great further delay.

Sir Cowasji Jehangir: Does the Honourable Member realise that these delays not only cause considerable dissatisfaction, but do a great deal of harm to the industries in India, and will the Honourable Member further explain whether this delay is due to a lack of staff in his Department?

The Honourable Sir Joseph Bhore: No: the delay is due to other causes which, as I say, he will understand when he is apprised of the conclusions of the Government of India in this respect.

Sir Cowasji Jenhagir: Does the Honourable Member realise that we do know sometimes the causes of these delays, but we still do not understand the lengths of the delays: we have had cases like this before.

The Honourable Sir Joseph Bhore: I am afraid he does not know the cause in this particular case.

Pandit Govind Ballabh Pant: Will Government grant a bounty to the company for the period that they have taken in considering this matter?

The Honourable Sir Joseph Bhore: No.

Pandit Govind Ballabh Pant: Will the Honourable Member leave it for his successor or decide it himself?

The Honourable Sir Joseph Bhore: I cannot say.

Mr. M. A. Jinnah: May I ask a question? Will the Honourable Member tell us even now when the propitious moment will come when we shall know the decision of the Government and see the report of the Tariff Board?

The Honourable Sir Joseph Bhore: I hope it will not be very long.

Mr. S. Satyamurti: What does "very long" mean?

The Legislative Assembly Debates,
1935, Vol:II, pp. 996, 998.

22

Speech in the Central Legislative Assembly on the cut motion regarding budget allocation earmarked for Railway Board, New Delhi, February 22, 1935.

Mr. Bhulabhai J. Desai: Mr. President, I have the honour to move:

"That the demand under the head 'Railway Board' be reduced to Rupee one."

That demand falls under two heads as appears from the papers presented to this House and consists of two items–Rs. 8,25,000 which is votable and Rs.4,30,000 which is non-votable.....

. . . . .

Mr. Bhulabhai J. Desai:.......And if that Machinery is to be set up, I dare say this House ought to have a say upon it.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I regret very much that the little time that is left to us to discuss this grant is being wasted in this way. Sir, I remember in 1924, and there are innumerable precedents, – not one, but innumerable precedents – it is no use citing the authorities which apply to British Parliament. This Constitution is neither logical, nor is it in consonance with common sense. This Constitution we are working no doubt, but where is the analogy, where is the comparison between the Constitution under which this Assembly is working and the British parliament? The history of this question is a long one. In 1924, I have been trying to get that ruling, I think if I have a little time I may be able to get it for you, – in 1924, a question was raised about the policy for the Government. Government do not mean the Honourable Member who is sitting over there – the Government of India, according to the Government of India Act, is constituted by the Governor General in Council, the Secretary of State for India, the Council of the Secretary of State for India; and the British Parliament; the whole body constitutes the Government of this country. Therefore, when we are dealing with the Government of India, we are not confining only to the actual administration of this country. We are concerned with policy, the broad principles of policy. In 1924, a similar question was raised, and Sir Frederic Whyte gave a ruling that it was open to this House to discuss the attitude and the policy of the Government with regard to the constitutional reforms.

Mr. President (The Honourable Sir Abdur Rahim): On a motion like this? Can the Honourable Member give me the reference?

Mr. M. A. Jinnah: It was in 1924. I have sent for it. Then it has never been challenged since 1924. We have raised the question of the policy of the Government as to defence, the policy of the Government as regards constitutional demands of this country. Times out of number, not once, not twice......

Mr. President (The Honourable Sir Abdur Rahim): On a motion for reduction?

Mr. M. A. Jinnah: Yes, on a motion for reduction. I remember very well that we threw out — originally the motions were given in this form that the grant was to be rejected. You will find that in 1924-25 that was the form adopted, — of rejection. Then it was brought to our notice that that was merely negative, that it was not really correct, and, therefore, if we really wanted to raise a question of policy — it might be policy with regard to constitutional reforms, it might be policy with regard to defence, it might be policy with regard to railways generally — it is not a particular grievance, or a particular economy cut as Mr. Desai put it, but it goes to the root of the very policy which is being adopted or going to be adopted by

Government. I submit that this motion is perfectly in order, and the principle of this motion, refusal of supplies, – that, of course, we shall discuss on the merits later on. I am sending for the ruling. I submit you will find it if you send for the report of 1924.

Mr. President (The Honourable Sir Abdur Rahim): The question raised is whether discussion of the proposed enactment establishing a Railway Authority in substitution for the present Railway Board is in order or relevant in connection with a motion for reduction of the demand for grant for the Railway Board. In the first place, it has been said that this is not really a point of order. But the Chair does not see any substantial distinction in this connection between a point of order raised in the ordinary way and a question as to the relevancy of a particular discussion. The Chair has been referred by the Honourable the Leader of the House to a number of rulings in 1924 and also to May's Parliamentary Practice. The Chair has also been given references to the Legislative Assembly Debates of 7th March, 1925, at page 2108, and of 12th March, 1930, at page 1675. The Chair has looked up all these references and there can be no doubt that, so far as they go, they establish the points raised by the Leader of the House that the discussion under a motion for reduction of a grant like this must be confined to questions of administration under the existing Acts and not to discussion of the Acts themselves or any proposed amendments of legislation on the subject.....

.....

The Honourable Sir Joseph Bhore: Now, Sir, there is really very little left for me to say. With regard to the actual cut itself, I can do no better, I can make no better appeal, than refer to a speech which my Honourable friend, Mr. Jinnah, made in this House in 1925. I hope that my Honourable friend, Mr. Jinnah, will permit me to quote him, because I certainly could make no stronger or more effective defence of the position that I am now taking up.

Mr. M. A. Jinnah: Quoting wrongly again. Another Abraham Lincoln!

The Honourable Sir Joseph Bhore: Speaking on a similar motion by Pandit Motilal Nehru for the abolition of the provision for the Railway Board, because of the many grievances that had not been attended to, this is what may Honourable friend, Mr. Jinnah, said:

> "Let us examine the constitution of the Railway Board. The Railway Board is entirely subject to the Government. I think that cannot be denied by any one who has read the constitution of that Board. Yes, the Railway Board, therefore, are nothing else but a set of servants who are employed on certain salaries and thee servants constitute themselves into a body. But they are entirely under the control and the orders of the Government of India and the Parliament, if you like. Now, says my friend Pandit Motilal Nehru that because the Government of India who are responsible.....(A Voice: 'To whom') If Honourable Members will allow me to finish I shall answer them. Now, it is said because the Government of India are responsible for the policy, programme and administration of the Railway Board, because they in their turn are responsible to the Secretary of State, because we have got a large number of grievances, because they have not been either attended to or satisfied or complied with, therefore we should dismiss a certain number of subordinate servants who have formed themselves into a Board and who are under the orders of somebody else who is responsible, if at all, to this Legislature. I can understand my friend Pandit Motilal coming forward and raising a question of a constitutional character and saying 'Here is a

> department of the Government of India that is responsible for all this and I will reject the vote so far as that particular department is concerned'. But in your anger, you hit not the Government of India who are responsible, you reject an item which is intended to pay Railway servants."*

And, in pursuance of that speech, my Honourable friend, Mr. Jinnah, walked into the lobby with Government and defeated the motion. May I express the earnest hope that he will repeat what he did on that previous occasion, and give us not merely the benefit of his valuable arguments; but also his vote when it comes to a question of voting....

Mr. M. A. Jinnah: My Honourable friend has quoted me exactly in the same way that he quoted Abraham Lincoln not long ago.

The Honourable Sir Joseph Bhore: Sir, the records of the debates are here for everybody to see. It is a little difficult – I quite realise – to understand Mr. Jinnah (Laughter), but the reports are here, and anybody can read what I have read out. I have certainly not omitted any word, nor have I attempted in any way, as far as lay in my power, to wrongly emphasise anything that he said.

Sir Cowasji Jenhagir: Does any honourable friend realise that the issue now before us.......

The Legislative Assembly Debates, 1935,
Vol: II, pp. 1225, 1234-35, 1254-55.

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* Legislative Assembly Debates, 1925, Vol: V, No: 23, pp. 1502-1503.

23

Speech in the Central Legislative Assembly on the motion to reduce demand for Railway under the head 'Working Expenses' and Indianisation of Railway Services, New Delhi, February 25, 1935

Mr. M.S. Aney: Sir, I beg to move:

"That the demand under the head 'Working Expenses Maintenance of Structural Works', be reduced by Rs.100."

The cut is with a view to raising a discussion on the Indianisation of Railway Services. Sir, the subject which I am, by means of this cut, bringing prominently to the notice of the House and of the Government of India is almost is hardy annual. It has been discussed practically every year, and it is really painful that an Indian Member should be compelled to bring this grievance to the notice of the so-called Government of India in the Indian Legislature and that the process should go on from year to year without the non-official side being satisfied that there was no need for it left. The very question of Indianisation of the Indian Railway Services implies that some wrong principle is being adopted in the recruitment of the services, and Indian Members find it necessary to remind the Government of India, almost every year, that they are neglecting Indianisation.........

. . . . .

Mr. M. S. Aney:.........The absence of a member like that makes it difficult even for those who are there and think otherwise to place their points of view properly at the proper time. That is what I feel. If the Honourable the Commerce Member would have the advantage of having on the Railway Board a non-official Indian of independent views, I really think.......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): The Railway Board is going.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): And what is coming is still worse.

An Honourable Member: Make a passing reference to it.

Mr. M. S. Aney: This would be a funeral oration for the Railway Board. The point is this. So far as the Indian services are concerned from the very beginning to this day I find that there has been no genuine attempt to bring in Indians and to train them for managing the responsible work, so that one day they should be in a position to take charge of the whole machine.......

The Legislative Assembly Debates, 1935,
Vol: II,. pp, 1377, 1383.

24

Speech in the Central Legislative Assembly on the motion regarding amendment in the Code of Criminal Procedure, New Delhi, February 27, 1935.

Sardar Sant Singh (West Punjab Sikh): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 406*), be referred to a Select Committee consisting of the Honourable Sir Henry Craik, Sir Lancelot Graham, Mr. M. Asaf Ali, Mr. Sham Lal, Mr. M. Ananthasayanam Ayyangar, Mr. Satya Narayan Sinha, Syed Ghulam Bhik Nairang, U Thein Maung, Mr. Fakir Chand and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The amendment relates to section 406 of the Criminal Procedure Code.

.....

Khan Bahadur Mian Abdul Aziz: (Nominated: Official):........this was a very authoritative pronouncement.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Will the Honourable Member allow me to interrupt him for a moment. I would like to know how many appeals per year were preferred in these cases under consideration?

An Honourable Member: Security proceedings?

Mr. M. A. Jinnah: Yes.

The Honourable Sir Henry Craik: Figures are not available.

Khan Bahadur Mian Abdul Aziz: Figures are not available, but I can tell the Honourable Member that District Magistrates hear 9,000 appeals every year in the Punjab.

Mr. M. A. Jinnah: My question is how many appeals are preferred under Sections 107 and 108?

The Honourable Sir Henry Craik: I can answer my Honourable friend. I tried to get the figures, but this class of appeals is not shown separately in any return that I have been able to get.

Khan Bahadur Mian Abdul Aziz: When I was interrupted, I was reading from the Civil Justice Committee's report. It was a very timely interruption which wanted to take away the effect of that careful finding and that was to the effect that Sessions work must be taken away from the Sessions

Judge.

Mr. M. A. Jinnah: May I explain to the Honourable Member? It was not my intention really to interrupt him with a view to making him lose his thread. The whole question of expense depends upon the number of appeals that are to be preferred and the whole question of the time that will be occupied will also depend upon the number of appeals that are preferred. That is the point.

Mr. T. Sloan (Government of India: Nominated official): Perhaps I can.........

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, Khan Bahadur Mian Abdul Aziz, is in possession of the House. He had better go on.

Khan Bahadur Mian Abdul Aziz: The Civil Justice Committee of 1924-25 wanted to take away a portion of the Sessions work of the District Judge.

Mr. M. S. Aney (Berar Representative): District Magistrate?

Khan Bahadur Mian Abdul Aziz: Of the Sessions Judge. If the Honourable Member wants to look at this, I can give it to him.

Mr. M. A. Jinnah: You don't give us what we want.

Khan Bahadur Mian Abdul Aziz: The original criminal work done on an average by the Sessions Judge in the Punjab is over 1,000 cases per annum. If Honourable Members have paid any attention to the news this morning, the Finance Member speaking in the Punjab Legislative Council said yesterday in answer to a question that there were nearly 900 murders on an average in the Punjab. If we take murders with dacoity, the number is over a thousand. For several years it has been over 800. Primarily, it is thus a question of expense and finance. Sir Henry Moncriff-Smith, when he introduced this proviso, said that Government were very anxious that there should not be any delays in the disposal of the civil work which at present the District and Sessions Judge has to do. Even where cases accumulate and Additional Sessions Judges are appointed and very great care is taken that there should be no accumulation, I have not the least doubt that even then there are delays. I cannot say what the number of appeals in security cases would be, but the number of appeals is likely to be very large, if this Bill has any meaning.

. . . . .

The Honourable Sir Henry Craik:...........Sir, my Honourable friend, Mr. Owen, was told that, because he has never been a Sessions Judge, he was incapable of taking an impartial view in such matters. Now, I have the advantage that for a considerable time I have been a Sessions Judge. I have also been a District Magistrate but I have been a Sessions Judge for a longer time than I have been a District Magistrate and I can assure the House that my attitude, in whichever capacity I was sitting as an appellate Court, was exactly the same. There was not a shade of difference. I would give the appellant just as much rope and just as fair and impartial a hearing as a District Magistrate as I did when I was a Sessions Judge.

Mr. M. A. Jinnah: There are exceptions to the rule.

An Honourable Member: You are an honourable exception.

The Honourable Sir Henry Craik: But I do not believe for a moment that I was an exception to the rule. It has been said that the Punjab can easily afford to pay for two or three more Sessions Judges. Well, if that is the honest opinion of the Mover of the Bill and of the House generally, why not consult public opinion in the Punjab? Why not move to have this

Bill circulated? Why refer it straightaway to a Select Committee when you have not taken the trouble to ascertain public opinion on it in the province most closely concerned........

.....

The Honourable Sir Henry Craik: Does my Honourable friend seriously advance the legal proposition that an appellate court must presume a man to be innocent who has been found guilty by the lower court?

Mr. S. Satyamurti: Undoubtedly.

Mr. M. A. Jinnah: Undoubtedly.

Mr. S. Satyamurti: It seems to me that that is why we get such Honourable Home Members who do not understand the a, b, c of criminal justice, who presume a man to be guilty when he has got a perfect right to re-open the whole matter in appeal, to make the Appellate Court go through the whole evidence, and go into the records and hear arguments and then say whether the man has been rightly convicted or not.....

.....

U Ba Si: (Burma: Non-European):.......I support the Bill.

Mr. M. A. Jinnah: Sir, but for the few observations that fell from the Honourable the Home Member, I really, would not have intervened in this debate. I have not the slightest doubt as to the nobility of mind of the Honourable the Home Member: From what little opportunities I have had for a short time, I am more than convinced of his sincerity and of his belief in what he says: but if the Government really and seriously wanted this House to consider the question whether this Bill should be circulated for further opinion, may I not tell the Government that they ought to have been in possession of those facts and they ought to have placed those facts before the House.

The Honourable Sir Henry Craik: What facts?

Mr. M. A. Jinnah: I will tell you in a minute. We have been discussing certain general principles, and I do not think it is really open to the government to challenge those principles that, in the ordinary normal course, there should not be a departure from the provisions of Section 406 which lays down that normally an appeal should be heard by a Sessions Judge: then, this proviso was inserted there: it was inserted, because, in certain eventualities, it may become necessary for the Provincial Government, for very cogent reasons, by notification in the Gazette to direct that the appeal should be filed or heard before a District Magistrate. The first statement that the Honourable Member from Rohtak made, made it perfectly clear that so far as the Punjab Government is concerned, they never gave a chance to the people of the Punjab, but straightaway, as soon as the Act came into being, by notification directed that the appeal should lie to the District Magistrate and not to the Sessions Judge. What was the reason for that? Was it going to dislocate the administration? Did they find at once that they will have to engage four or five Sessions Judges? No answer has been given to that. No explanation has been given on that point. Why did they do it? You have done it. Now, you come before this House and you tell this House that is the reason. I had no evil designs on the impressive speech that the Honourable Member, Mian Abdul Aziz, was making – I certainly never intended that I should embarrass him in any way when I put that question; but I was so attracted by his wonderful figures and there were so many figures that I really thought that the time had come when I should ask him to give me some really pertinent figures; and so I could not restrain myself and I asked him the question: and what was the answer? No answer. The Honourable the Home Member come to his rescue. I was waiting for the Honourable Home Member to tell me what are the figures. Before you can command our respect and our confidence in what you are saying, however sincere you may be, you must place the materials before us to persuade us to take the line that you think is the right line to take. We have had absolutely no materials. The Honourable the Home Member prepared what we call a provisional menu for us, and that was this: he said there are so many cases, so many convictions, and, therefore, there would be so many appeals. I for one am not prepared to accept that provisional menu and digest it. Government ought to have been ready to give us actual figures: Government ought to have been ready to give us figures as to the financial liability which the province will have to bear, and, then, if the Government had said: "The situation is serious and we want now that the Bill should be circulated for the opinion of the Punjab, because, after all, it is the Punjab that will have to bear the burden", I certainly would have supported the Government in their desire for circulation.

As regards the other matters, really we have wasted our time altogether. But for these two reasons, that is, that there would be serious dislocation of administrative machinery and that the financial burden would be so heavy that the Punjab cannot afford it, the 'Government have no answer to this Bill. I am not satisfied on these two questions, and I cannot, therefore, support the Government. I must support the Bill.

.....

The Honourable Sir Henry Craik: I must with regret interrupt my Honourable friend. If he is making any suggestion that I said that the Punjab Members here are criminals, he is quite wrong. What I said was that the Punjab, as compared with most other provinces of India, is a criminal province. Nobody can deny that; it has been proved over and over again by statistics. There is only one province which has more crime than the Punjab, and that is the North-West Frontier Province.

Mr. M. A. Jinnah: You mean more crimes are committed in the Punjab.

The Honourable Sir Henry Craik: There is no implication of humiliation in making that statement. It is common knowledge. The Honourable Member is certainly not entitled to say that what I said is humiliating. I am merely repeating a fact which is common knowledge in India.

Sardar Sant Singh: I am glad that my Honourable friend has come forward with a better explanation.......

Legislative Assembly Debates, 1935, Vol: II,
pp. 1547, 1552-53, 1572, 1577-79, 1584.

25

Joint statement with Babu Rajendra Prasad on the failure of their negotiations,

New Delhi, March 1, 1935.

Babu Rajendra Prasad, the Congress President, and Mr. M. A. Jinnah, President of the Muslim League, who were carrying on negotiations for a communal settlement have issued the following joint statement above their signatures:

"We have made an earnest effort to find a solution of the communal problem which would satisfy all the parties concerned. We regret that in spite of our best efforts, we have not been able to find such a formula. We realise that communal harmony and concord are essential for the progress of the country and we can only hope that forces will arise which will make a future attempt more fruitful."

The Civil Military Gazette, March 2, 1935.

26

Speech in the Central Legislative Assembly on the question regarding 'Restriction of Indian Imports into Italy', New Delhi, March 21, 1935.

Mr. T. S. Avinashilingam Chettiar: (a) Will Government state whether they are aware that the Italian Government have ordered that during the year 1935, Italian importers will not be allowed to import from India more than 30 per cent, of the goods imported in 1934?

(b) Is the action of the Italian Government due to the fall of our trade with Italy owning to the Ottawa Agreement?

(c) What is the amount of trade that this action of the Italian Government will affect?

(d) Are Government aware that the Italian Government have put a ban upon Indian Insurance Companies from doing business in Italy?

(e) What action have Government taken in these matters?

(f) If no action has yet been taken, what action do Government propose to take?

. . . . . .

Mr. M. A. Jinnah: In view of what has already been stated on the floor of the House, will the Honourable Member obtain his freedom from London and be in a position to deal directly with the Government of Italy?

The Honourable Sir Joseph Bhore: I do not see how we can free ourselves from the constitutional position as it exists at the present moment.

Mr. M. A. Jinnah: What I want to know is this. I do not want to change the constitutional position. Would the Government of India make any effort in order to be able to deal with this question direct, and be free to do so by getting the sanction of the Secretary of State for India?

The Honourable Sir Joseph Bhore: Personally I do not think that such a course is possible, but I shall certainly consider it.

The Legislative Assembly Debates, 1935,
Vol: III, pp. 2465, 2470.

27

Speech in the Central Legislative Assembly on the motion regarding 'Firing at Karachi', New Delhi, March 21, 1935.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment of the business of the Assembly from Maulvi Syed Murtuza Sahib Bahadur. I want to know whether the Honourable Member wishes to move his motion?

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, before I express an opinion on it, I want to ascertain from you if you will permit me to move it tomorrow, as there is another adjournment motion today which is of greater importance than this.

Mr. President (The Honourable Sir Abdur Rahim): The question is whether the Honourable Member wishes to move his motion today?

Maulvi Syed Murtuza Sahib Bahadur: I do not propose to move it.

Mr. President (The Honourable Sir Abdur Rahim): There is another motion for adjournment which stands in the name of Mr. Gauba. The notice I have received is that the Honourable Member proposes to ask for leave to move a motion for adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows: the firing resorted to by the police at Karachi on the 19th instant. I want to know whether any Honourable Member takes objection.

(No objection was taken)

As no objection is taken, the motion will be taken up at 4 o'clock.

. . . . .

Mr. K. L. Gauba (East Central Punjab: Muhammadan): M. President, I move:

"That the House do now adjourn."

Sir, I realise the seriousness of the occasion and the shadow of the great tragedy under which we meet this afternoon.......

Mr. President, I do not propose in this debate to raise any communal issues. I realise that there are two definite opinion upon the act of Abdul Qaiyum, opinions which can never be reconciled.....I do not propose to justify, in the slightest manner, the act for which Abdur Qaiyum has paid the penalty of the law. For the sake of the debate, for the sake of argument, we will assume that he was rightly convicted; that he was rightly convicted under the law; that he was executed under the due process and in due course of the law. We do not grumble with that today. But, Sir, the question before the House is different. The question is whether the execution was carried out, by the executive, in a manner and in circumstances that could not possibly have avoided the terrible tragedy which Karachi witnessed last Tuesday. We know that Government was not unaware of the grave situation in Karachi. I am not justifying that grave situation, I am not saying that it was logical or right. All I say is that there was a grave situation in Karachi, a grave situation that had not arisen suddenly. From the information in the papers, and, I have no doubt from the information of the Government from more sources than one, the situation in Karachi was grave since the first or second of March, and, Government knew full well that when Abdul Qaiyum would be executed there would be persons, who would want to take his body in procession through the town. They knew that there would be a certain measure of popular demonstration — I am not justifying it now. There have been similar occasions which Government has handled, which popular leaders have handled before, and handled successfully. There was a case in the Punjab in which a man was executed for a similar offence, a procession was taken out, a procession of fifty thousand, and it passed off quietly and peacefully. I have received a telegram today from Karachi and it states that there was an understanding, between the local authorities and the leaders of the people at Karachi, that the leaders would be taken into the confidence of the Government as to the day and the place of execution, and that the co-operation of the leaders could be sought when the funeral rites of this man were to be performed.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Where is the telegram? Read it.

Mr. K. L. Gauba:......Sir, I can pay tribute to a distinguished Hindu on the floor of this House and that is the Leader of the Opposition. He was prepared to join in a petition for mercy, in order that this man's life may be spared. (Applause.) I say that this thing that the crowd would have gone and looted the Hindu quarter is adding insult to injury.

The Honourable Sir Henry Craik:........I have explained in the face of so terrible and so sudden an emergency.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I must confess, Sir, that the speech of the Honourable the Home Member was one which missed the real point. I equally regret, – I will not say deplore, – the speech of Sardar Sant Singh, because he really went off the point altogether. The question before the House is, first, whether the civil authorities in Karachi did not mismanage this business. In my judgment, I venture to say that in relating the story which the Home Member related just now, having the past experience which was so eloquently described and which has no bearing on the issue before the House today......

The Honourable Sir Henry Craik: It has every bearing.

Mr. M. A. Jinnah: Pardon me; it has absolutely no bearing on the issue now. And if it has any bearing you stand condemned, and I shall prove that to the satisfaction of the House. You had that experience of Delhi, you had that experience of the Punjab. I want to know from the Home Member, what did the civil authorities in Karachi do? I will read the newspaper report as to what happened on the 2nd March, and I may be contradicted if I am wrong:

> "The tension, however, was so great that on the 2nd March the Additional District Magistrate of Karachi thought it necessary to serve a notice on about a dozen people and some newspapers asking them to refrain from delivering speeches or publishing news relating to Abdul Quaium."

Not only had you the experience of the Punjab and Delhi, but, on the 2nd March the District Magistrate was fully cognizant of the high feeling that was running with regard to this question. The next day it was officially notified that the execution had been postponed. Then we come to the 4th March, and what happened on the 4th March:

> "Several persons were hurt in a minor clash outside the jail gates when a demonstration was carried out by sympathisers of the condemned man. A large number of Moslems marched to the jail and collected near the gates where they held a demonstration and demanded to see Abdul Quaium."

This is what happened on the 4th. The Honourable the Home Member seems to think that the matter is very simple and plain because he has said that it is very irksome to the civil officer and doubly so to the military officer to open fire and, therefore, he has satisfied the House. But that is not the point. With your experience which you so eloquently described, with the events happening on the 2nd and 4th March, any man with any common sense must have seen that when execution is going to take place, what was to be expected?

The Honourable Sir Henry Craik: Trouble.

Mr. M. A. Jinnah: What did you do? You failed in your duty.

The Honourable Sir Henry Craik: How do you say that? What do you know of that?

Mr. M. A. Jinnah: I know more than you do from the facts so far available.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member should address the Chair.

Mr. M. A. Jinnah: I am sorry that the Honourable the Home Member is really nothing but complacent and facile. He has got only one idea in his head and he refuses to see any other point of view. Has he no sense to follow what I am saying? What I am saying is this: You had this evidence on the 2nd, you had this evidence on the 4th. And what I am putting before the House and the Government is this. With your past experience, what measures did you take to prevent the collection of 20 thousand people? Do you understand my point or do you still fail to see it?

The Honourable Sir Henry Craik: I fail to see anything in that.

Mr. M. A. Jinnah: If you do not, I cannot help it. Now, Sir, what happens? Where was this man buried? The report says this:

"At 5-50 the body was sent to the cemetery two miles outside the city."

This was a statement read out officially in the other House and I am reading from that. The body was sent to the cemetery two miles outside the city. Was the crowd there waiting for the body? No. How did the crowd get there and when? And what measures did you adopt to prevent the crowd getting there? None. Sir, it is said that prevention is better than cure, and the gravamen of my charge against Government is that you have not given one single word of explanation as to what preventive measures were taken before the 20 thousand people went out of the city two miles to the cemetery and collected there. I am not justifying, I am not holding a brief for Abdul Quaium; I want the Members of this House to understand that I am standing for this that citizens have got their rights. Governments have their rights and Governments have their powers. I am not saying that you were not justified in executing Abdul Quaium, you were perfectly right. The law must be carried out: but surely it is the duty of any civilized Government, it is the duty of any competent and capable authority, knowing the events of the 2nd March and the 4th March and the previous history, knowing that there was enormous excitement which was uncontrollable — would you not expect any competent authority in Karachi to so arrange that not more than a hundred people could collect together and have you not done that in the past.

The Honourable Sir Henry Craik: How can you do it?

Mr. M. A. Jinnah: Surely you could have stopped every route: even when the King comes every route is stopped: but the Honourable the Home Member says no route should be stopped, but they should be butchered when they get there. Is that what you want? You create the situation. You allow the situation to develop: you know if you have any common sense and if you have got the meanest intelligence, that if you do not prevent this and if you allow twenty thousand people to collect near a dead body where religious feelings are excited: you know perfectly well that there can be only one consequence and no other consequence. The Home Member himself said that he would never have allowed that body in Lahore to be taken through the city. Why did he prevent it? For the same reason. Why did he not prevent the crowd getting within two miles outside the city? He has not answered that. There is no explanation; and I demand in the name of humanity, I demand in the name of civilized government, I demand in the name of justice that you should appoint an independent commission and inquire into this matter. Do you want us to respect the Government? Do you want us to have confidence in you? Then, why do you refuse this inquiry? I want to know what your civil authority did.

The next point is this, and that is the only point with which the Honourable the Home Member has dealt. I certainly am unable at present to say that the force that was used was necessary. I am certainly not one of those men who is going to say that a British officer would use force and open fire upon a helpless mob wantonly; but supposing the order is given, he has to carry out the order. Who was the person who gave the order I do not know......

The Honourable Sir Henry Craik: The Military Officer Commanding.

Mr. M. A. Jinnah: If the Military Officer Commanding gave the order, I admit it makes my position more difficult because I refuse to accuse the military officer of wantonly opening the fire upon the crowd: but it may be that with the best of intentions he may have been hasty. The intention is all very well: you may have no intention of doing anything wrong; but there may be an error of judgment and that I would like to know: I am not in a position to say. I, therefore, say — I do not want to take up more of the time of the House — but I do ask the Government that you will be making the greatest mistake if you refuse an independent and an impartial commission to inquire into this matter, and it will be a matter of guidance to you in the future: we all wish to avoid and bury things of this kind happening; but is it in our power? and I say, appoint a commission and in future you might acquire wisdom from this commission, if you have not acquired wisdom yet.

Mr. Bhulabhai J. Desai: ...... I have not heard a single word in the statement that has been read out here of any precaution of any kind. If precaution had been taken, the graveyard might have been properly guarded in order that the body might not have been exhumed: what did they do to have that graveyard guarded?.......

The Honourable Sir Henry Craik: The graveyard was guarded by the police.

Mr. Bhulabhai J. Desai: Yes, guarded in a manner which has resulted in what has resulted: they call that guarding. If it is guarding, I call it gross negligence.....

Mr. M. A. Jinnah: Criminal negligence.

Mr. Bhulabhai J. Desai: They should have anticipated trouble......

Seth Haji Abdoola Haroon: Sir, I find from the discussion that has gone on till now that there is a good deal of misunderstanding in the minds of Honourable Members. In the first place, we have to see whether this crowd wanted to go into the city or not. Sir, according to my information, the crowd did not want to go to the city, but they wanted to go to the Chakiwada Idgah, which is hardly a hundred yards away from the place where the firing actually took place. For the information of the House, I shall just read this telegram:

"On Tuesday, the 19th instant, about noon, military fired without any notice or warning upon funeral procession Ghazi Abdul Qayoom consisting several thousand persons, including old men, women and children, without justification, when procession had nearly reached destination *via* Chakiwada Idgah for funeral prayers. Forty persons been killed, 80 others been seriously injured."

So this shows, Sir, that the crowd did not want to go to the city at all, but many people wanted to go to the Idgah to say their last prayers to the dead according to the Muslim custom........Again, this telegrams says:

"Forty persons been killed about 80 other been seriously injured".......Therefore, I hope that this small request to hold an impartial inquiry will be acceded to. If Government do not accept this small request which has been so ably supported both by my friends, Mr. Jinnah and Mr. Bhulabhai Desai, we shall have no other course but to censure the Government.

Several Honourable Members: The question may now be put.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan

Rural): Sir, I have no intention at all to create any bitterness on this question. Let me assure the House that I feel the most about this unfortunate incident that has taken place in Karachi. Everybody would feel and sympathise with those who have been killed, but the question at issue before the House is whether the Government should be censured or not. I must say, at the very outset, that I do not hold any brief either for the Government or for anybody else, but I must say that in the interests of law and order it is necessary that a man should give his own fair opinion. Sir, I do not command that emphasis and that dignity that my Honourable friend, Mr. Jinnah, possesses, to put my views before the House. If the House is of opinion that beyond the statement that has been made by the Honourable the Home Member there is necessity for an enquiry to be made, I personally would not be against it.

.....

Mr. Lalchand Navalrai:.........He took his own appeal to the High Court and on that unfortunate day he went and sat there in the Court as an appellant. This Abdul Qaiyum, I may tell you to indicate that the Sindhi Muhammadans of the place are not responsible – this Abdul Qaiyum happens to belong to the Hazara district outside Sind. This Abdul Qaiyum came there, had the help of certain persons who were also from outside.....

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): On a point of order, Sir. How are all these relevant?

Mr. Lalchand Navalrai: It is relevant to show you the background, because the Mover of this motion said that Muhammadans had no annoyance with the Hindus. Let me say that it is not so. When you consider the facts, and, within the time at my disposal, I shall place a few of them......

Mr. M. A. Jinnah: Might I interrupt the Honourable Member? I think I have made it very clear that the position we take up in this House is this, that the Government did not take satisfactory preventive measures – that is No.1, and No.2 is that when this firing was opened we are not convinced that it was necessary and that the minimum amount of force was used. These are the only grounds on which we are supporting this motion.

Mr. Lalchand Navalrai: I have understood you, it was not necessary to repeat that.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not prepared to say that any reference to what happened previously is not in order, but at the same time the Honourable Member will realise that the real question is not the execution of the man.

Mr. Lalchand Navalari: I say it is only relevant for the purpose of throwing light on the question.

......

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban):.......I desire to place two or three points before the Home Member. In the first place, in any part of the world if an occurrence of this kind had taken place, where 35 to 40 people had been shot, I venture to suggest that no Government would refuse any inuqiry......

.....

The Honourable Sir Henry Craik: Three companies of British troops were present. Only 30 men fired.

Sir Cowasji Jehangir: In defence of three companies?

The Honourable Sir Henry Craik: Not at that particular spot. At other danger spots?

Mr. M. A. Jinnah: 30 men fired in defence of three companies?

Sir Cowasji Jehangir: How many troops were out?

The Honourable Sir Henry Craik: Three companies.

......

Sir Cowasji Jehangir: We are talking of the facts. The facts are that feelings were very much excited. The fact that a riot actually did take place......

Mr. M.S. Aney: With the knowledge of the responsible Muhammadan in Sind? Is that a fact or not, and what did they do to stop it, apart from the Government, and I am asking you this question as you are standing in defence of this motion?

Sir Cowasji Jehangir: I really fail to understand this excitement.

Mr. M.S. Aney: It is a bad argument that you are making.

Sir Cowasji Jehangir: I maintain that there was sufficient notice that we were in troubled waters.

Mr. M. A. Jinnah: May I point out to Mr. Aney for his satisfaction that, as far as I know, I entirely repudiate that any responsible Muhammadans had anything to do with it, much less to encourage such a thing as this.

.....

The Legislative Assembly Debates, 1935,
Vol:III, pp. 2470, 2502, 2512-19, 2521-22.

28

Speech in the Central Legislative Assembly on the motion to consider the 'Indian Finance Bill', New Delhi, March 23, 1935.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the India Tariff Act 1934, to fix maximum rates of postage under the Indian Post Office Act 1898, to fix rates of income-tax and super-tax, and to vary the excise duty on silver leviable under the Silver (Excise duty) Act, 1930, be taken into consideration."

. . . . .

The Honourable Sir James Grigg: If you don't know, then why do you assert that it is taking place?

Seth Haji Abdoola Haroon: Then, I can give you one instance. I am glad you raised this subject.

The Honourable Sir James Grigg: I want conclusive evidence.

Seth Haji Abdoola Haroon: I will give you one instance, sugar. Please go into the figures and find out how much sugar is imported in the Kathiawar ports. What is the population of the Kathiawar ports and what is the consumption of sugar there in comparison with the whole of India, and what is the amount per capita? I do not think that Kathiawar is so rich that it can consume 10 or 20 times more than British India, I mean per head. Please take a little trouble and find out how much sugar is imported in the Kathiawar ports and how much it costs at the Viramgam Cordon and how much duty is recovered from that cordon. I am sorry I have not brought my papers with me. Otherwise, I could show that in this year alone some 82,00,000 tons were imported in Kathiawar. Of course, you have to show figures as to how much sugar passed from the Cordon at Viramgam, how much duty you have recovered and how much was consumed in Kathiawar.

Mr. A. H. Lloyd (Government of India: Nominated Official): Does the Honourable Member recollect that a large quantity of sugar which comes quite lawfully over the Viramgam line is not assessed to duty, because it comes from the Bhavnagar port?

Seth Haji Abdoola Haroon: Bhavnagar is without duty and you are allowing the goods to come into British India.

The Honourable Sir James Grigg: That is one of the conditions of the treaty......

Seth Haji Abdoola Haroon: Then it is no longer good to be in Bombay or Karachi.

Mr. M. A. Jinnah (Bombay City: Muhammad Urban): Bhavnagar is the best place.

Mr. A. H. Lloyd: Bhavnagar State itself collects duty at the full British Indian rate, but we don't get it.

Seth Haji Abdoola Haroon: I know they are collecting.

Mr. M. A. Jinnah: How much rebate is given?

The Honourable Sir James Grigg: They say "None".

Seth Haji Abdoola Haroon: Of course you have got some treaty with the States. I have no objection to that.

Some Honourable Members: We have strong objection to that.

.....

Seth Haji Abdoola Haroon:.....I have suggested one point as to how to reduce your expenditure–whether the House agrees with that or not is not my business. Sir, at present, the whole range of taxes in India are on such a high level that everybody, I think, agrees, not only on this side of the House, but even the Government Members as well, that we can raise no more taxes in India.....

Mr. M. A. Jinnah: Excepting the taxation from sugar. (Laughter.)

Seth Haji Abdoola Haroon: I have no objection to that. (Laughter.) But, mind, you the time has very nearly come when the whole structure will break down.

An Honourable Member: On account of sugar!

Seth Haji Abdoola Haroon: Sugar is not the only thing, my friend......

The Legislative Assembly Debates, 1935,
Vol: III, pp. 2278, 2556, 2558.

29

Speech in the Central Legislative Assembly on the motion for adjournment in regard to the tribunal considering the problem of 'Financial Adjustment' between India and Burma, New Delhi, March 26, 1935.

Mr. President (The Honourable Sir Abdur Rahim): I have received notices of two motions for adjournment, one by Mr. Vissanji and the other by Mr. Satyamurti. Mr. Vissanji's notice is that he proposes to ask for leave of the House to make a motion for the adjournment of the Assembly to discuss a definite matter of urgent public importance, namely, the grave situation in regard to the financial adjustments between India and Burma as revealed in answers given by the Honourable the Finance Member in the Assembly on the 25th March, 1935.

The Honourable Sir James Grigg (Finance Member): Sir, as I have unintentionally brought this trouble on my own head and as I equally unintentionally slightly misled the House yesterday, perhaps I might correct something I said then. I had put into my hand, shortly before I came into the House, a letter from the Government of India representative in London on the subject of this tribunal. I read it hastily, and then, on the spur of the moment, answering supplementary questions from the Honourable Member opposite, I said that the Committee would finish its labours in two or three days. I should like to place the real position before the House, for that was not quite accurate. The real position is that the Committee has finished taking evidence from the official representatives of India and Burma in these negotiations and it is considering all the material before it, and it is expected to make its report early in April. I gave the impression then that there was no time for further representations to be sent to them. That is not quite accurate: there is time, although not very much time.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to press his motion for adjournment in view of the statement made by the Honourable the Finance Member?

Mr. Mathuradas Vissanji (Indian Merchants' Chamber and Bureau: Indian Commerce): Yes, Sir: really speaking, we wish the Government of India to place the views of this House before the Secretary of State, so that he can have a chance of knowing them and placing them before the Committee.

The Honourable Sir James Grigg Then, I submit, Sir, that the question of urgency has disappeared, because the fact of the tribunal's existence has been known to this House for over a month.

Mr. President (The Honourable Sir Abdur Rahim): What has the Honourable Member got to say on the question of urgency?

Mr. Mathuradas Vissanji: The urgency is apparent from the fact that the answers were given only yesterday and we came to know only then about the imminent completion of the work which was entrusted to the tribunal, in such a short time as this. From the answers given on the 21st February last we thought that the tribunal would be sitting for a fairly long time.......

Mr. President (The Honourable Sir Abdur Rahim): When was the tribunal constituted?

Mr. Mathuradas Vissanji: We were told that it was some time in February; and at the time we were told it was going to be a prolonged discussion as the matter was very complicated and that it will take a pretty long time: no one knew anything as to how long it would take, and now we are told that they have practically finished their job, and, within a week or so, they will report......

Mr. President (The Honourable Sir Abdur Rahim): Was not the appointment of the tribunal announced?

The Honourable Sir James Grigg: It was announced on February 16th.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): How was it announced?

The Honourable Sir James Grigg: By a communique by the Secretary of State in London.

Mr. President (The Honourable Sir Abdur Rahim):

Why were no steps taken to make representations to the tribunal?

Mr. Mathuradas Vissanji: It was only announced to us on the 21st February here that a tribunal was sitting: and it was mentioned, at that time, that it was going to take a very long time to discuss the matter and take evidence and all that: and we were thinking of making a formal representation.

The Honourable Sir James Grigg: May I point out that this is not the first time that this tribunal has been discussed here:

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Mr. Mathuradas Vissanji: Sir, I rise to move that the Assembly do now adjourn to consider the serious situation arising out of the answers given by the Finance Member in regard to the tribunal considering the problem of financial adjustment between India and Burma.

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Mr. Bhulabhai J. Desai:.......this House is entitled to express its opinion in terms of the motion that has been moved.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I, Sir trespass upon the precious time of the House, because I know there is probably a strong desire that a division ought to be taken on this motion, but, Sir, I do not propose to occupy more than a few minutes. May I, first of all, tell the Finance Member — please do not adopt this sort of militant attitude, please do not try to evade issues. I know you have your difficulties, but remember you are sitting there as a responsible Member in charge of Finance. Do not forget your position, therefore, and that you must not come down to the level of a back-Bencher.

Some Honourable Members: Back-Benchers are much better.

Mr. M. A. Jinnah: Sir, the Government of India do not realise, in the first instance, I mean the Government of India in this sense that the Governor General in Council represented by the front Bench here, do not realise that they owe some responsibility to this House. I know perfectly well that in several matters they are not even consulted probably, and in several maters they are overruled by the Secretary of State for India. But, Sir, we have no other course; we cannot separate the Governor General in Council from the Secretary of State for India, and we have got to get hold of some party with whom we can deal, and the only party with whom we can deal on the floor of the House is the Government of India as representing even the Secretary of State for India. Now, let us examine the question. I don't think really the Finance Member was justified in saying that it was suggested by the Mover of this motion that Mr. Nixon was dishonest. I have got his words here, and may I read them out to the House......

The Honourable Sir James Grigg: He certainly said incompetent. Would you mind dealing with the question of incompetency?

Mr. M. A. Jinnah: Incompetency is a matter of opinion. That is not a word which ought to give such an offence to the Honourable Member. That is a matter of opinion. The Honourable Member could have got up and said that in his judgment that such and such a person was the most competent person. But, no, the Honourable Member tried to play with this word and he said that you call Mr. Nixon dishonest. It was not so stated by my Honourable friend, Mr. Vissanji. I have got his speech here, the very words here. On the contrary he says that he does not challenge the *bona fides* of Mr. Nixon. Let me read it. Or take my word for it, I do not want to waste the time of the House. It is not a question of dishonesty, it is not the question that every Government official is dishonest. Nobody says that. Let us get to the issue. The Joint Parliamentary Committee have laid down that a tribunal will be appointed — the words are "an impartial tribunal". When they used the expression "impartial tribunal" what did they mean? A tribunal is impartial not only because it is honest but because it commands that confidence and that respect, that the parties concerned, will feel after the decision is given, that justice is done. ("Hear, hear" from the Opposition Benches). And that is the principle which I ask the Honourable the Finance Member to bear in mind. When the Round Table Conference came to an agreement to which the Secretary of State was a party — why did they say that Indians and Burmese should be associated with such a tribunal? Why? Did they think that Englishmen were so dishonest that they could not be trusted? No. But in order to assure, nay, doubly assure, that when their recommendation was made it would command the confidence and the respect of the bodies and parties concerned. When did the Secretary of State — I have not heard a single word, — and why did the Secretary of State change his mind? No reason has been given. Are these arrangements to be flouted in this fashion *ex parte*? I ask the Finance Member. Was he consulted, and if so, — I ask the Finance Member, remember you represent India, your responsibility is there — did you fight for that on our behalf? We do not know. Were you consulted as to what should be the terms of reference? Where you consulted as to what was to be the procedure?

An Honourable Member: Chair.

Mr. M. A. Jinnah: I am addressing the Chair. Don't you teach me. Did the Government then say on our behalf that "you must not infringe the arrangement that was arrived at?" Did the Government then insist that we should have a fair hearing before that body? I am told now it is not a tribunal. The words are "impartial tribunal", the Joint Parliamentary Committee says, "impartial tribunal". The Government of India give us no information, we are not told what the Government of India did. We are not told what they did on our behalf. Surely, for your own sake, for your own credit, cannot you tell us that you made some fight on our behalf but you were overruled? Why not say that frankly? Tell the House, that "We, as the Government of India, made this or that representation, but we were overruled by the Secretary of State, and, therefore, we are not able to do anything more" Now that, your superior authority whose commands and whose orders you are bound to obey has decided what he has decided, and if this House rightly shows its resentment and rightly condemns all this, you, as the Government of India, should, in deference to our wishes, in deference to our desires, do you utmost now, even at this stage, to see that we secure some kind of hearing before that tribunal on behalf of India. No. What does the Honourable Member say? He says, after the report is made by this impartial tribunal (Laughter) we will have an opportunity to discuss it in this House.....

Pandit Govind Ballabh Pant: He said we may have.

Mr. M. A. Jinnah: I beg your pardon. I stand corrected. He said that he will recommend that to the Secretary of State.....

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): To be overruled again!

Mr. M. A. Jinnah: I do not know what the answer of the Secretary of State will be. Really I assure you, and I assure the Government that it is not a pleasure to me to stand here and be a party to passing one vote of censure after another against Government. Believe me, if I may say so, I am as loath as anybody else, I am not doing it with a light heart, but I find that on every occasion we get no satisfaction, ("Hear, hear" from the

Opposition Benches), we get no frankness, and do not get one single word from this Government of India making us feel that they are our Government. I support the motion. (Applause.)

The Legislative Assembly Debates,
Vol: III, pp. 2758-59, 2822-24.

30

Speech in the Central Legislative Assembly on a motion regarding 'Reservation of the Kenya Highlands for Europeans', New Delhi, March 27, 1935.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received a notice from Mr. Satyamurti that he proposes to ask for leave of the House for making a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the critical position of Indian settlers in Kenya in respect of the proposed reservation of the Highlands for Europeans. I should like to know from the Honourable Member when this proposal was made.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): This proposal was made by the Carter Commission some time last year; but after that there was a series of questions and answers in the House of Commons, on the 14th February, 1935, in which the point of the questioner was that the Commission went beyond their terms of reference in reserving a larger area than was originally contemplated and in also recommending that that reservation should be made statutory by an Order in Council of His Majesty's Government. That report was received in the Library of this Assembly on the 18th March, 1935. On that very day, a short notice question was put by me which was answered by my Honourable friend, Mr. Bajpai, on the 25th of this month. In that answer, he *inter alia* stated:

"The Government of India approached His Majesty's Government with a request that an opportunity be afforded to them to make representations before an Order in Council was made. This request has been acceded to and detailed representations to safeguard Indian interests will shortly be made."

In answer to a supplementary question of mine, my Honourable friend stated that they hoped to despatch the same by the next air mail. My submission to you, Sir, is this that this is the earliest opportunity I could have taken, after the answer from the Government that His Majesty's Government, who originally stated that they would pass an order in Council, had agreed to stay their hands, pending consideration of representations to be made by the Government of India. Therefore, I have come to ask your leave and the leave of the House to make this adjournment motion, in order to strengthen the hands of the Government in representing public opinion and their opinion in this matter. If I do not do so today, the Order in Council will be passed, before the House can have another opportunity of representing on this matter.

Mr. President (The Honourable Sir Abdur Rahim): What is the specific matter?

Mr. S. Satyamurti: The specific matter is this. The proposal to pass an Order in Council by His Majesty's Government reserving an area of about 16,000 square miles in the Highlands of Kenya for European settlers and making it a statutory segregation or reservation, and the statement of my Honourable friend, Mr. Bajpai, that His Majesty's Government have decided to stay their hands pending consideration of representations made by the Government.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): I should like to place a few facts for your consideration. In accordance with paragraph 44 of the Manual of Business and Procedure, one of the conditions of admissibility of an adjournment motion is that it must be restricted to a specific matter of recent occurrence.......

Mr. President (The Honourable Sir Abdur Rahim): What about the short notice question and the answer to it?

Mr. G. S. Bajpai: In the answer to the short notice question, I stated nothing beyond this, that the Government of India are making representations to His Majesty's Government. The Government of India first asked the Secretary of State for India to represent to the Secretary of State for the Colonies on the 12th February that an opportunity should be given to the Government of India to make representations. That request of the Government of India has been acceded to. I think the fact that His Majesty's Government have agreed to receive representations from the Government of India is not by itself a matter which calls for an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): I hold that the motion is in order.

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Mr. M. A. Jinnah (Bombay city: Muhammadan Urban): Sir, I had very little dreamt when I was speaking here yesterday on a similar motion that my words will have that magic effect upon the Government of India. Sir, I congratulate the Honourable Member who spoke on behalf of the Government of India. The question is not whether the Government of India can successfully fight our battle. It is also not the question whether we can successfully fight our battle. The constitutional position in this House is this that when we want to raise a question of definite, specific character and of great public importance, it is initiated definitely not in the inimical sense towards the Government but for the purpose of finding out the real position and the real situation and the attitude of the Government or the actions of the Government. If the House is satisfied that our Government has done what is right or that they have done their level best, surely it will be positively unreasonable that the House should proceed further and pass the vote of censure on the Government, Now, Sir, on this question — and it is, of course, a very rare question and I do not want the Government to run away from this fact — we are able to speak, as we did, whole-heartedly and not censure the Government. Therefore, speaking for myself, in view of what the Government have done and in view of the position which they have taken up from the very start and stoutly maintained that position. Although the Honourable Member speaking on behalf of the Government did not say so, I will even give the credit to the Government of India that they have held the hand of the Secretary of State for the Colonies in not passing the Order in Council till their representation reaches him which would have, of course, by now become a statute and law of Kenya. Therefore, speaking for myself, as I said yesterday, I am always loth to unnecessarily pass votes of censure on the Government and on this occasion certainly I shall not be justified. But before I sit down, may I point out to the Government that when the reply was given — perhaps the Honourable Member is already aware of it, but I would like his attention to be drawn to it — the Secretary of State for the Colonies was heckled by the Members in Parliament on this very question. I have got a report from a newspaper which is called the *Weekly Edition*, and its correspondent sends this report which is dated London, the 15th February. Major Milner asked the Secretary of State for the Colonies:

> "Has the Colonial Secretary asked or does he intend to ask for the comments of the Government of India on the

> text of the proposed Order in Council defining native reserves in European Highlands in Kenya?"

Sir Philip Cunliffe-Lister replied:

> "I shall of course be prepared to consider any representation which may be received from the Government of India, but (*I want the Government of India to mark this 'but'*) I think it will to point out that the effect of the proposed Order in Council so far as the White Highlands are concerned will be merely to confirm what has been an administrative practice for the past quarter of a century. This practice was formerly re-confirmed by His Majesty's Government in the White Paper in 1923 and has not been challenged by any successive Government."

Of course, there he was referring to the British Government not our Government. I want the Honourable Member therefore to bear in mind that it is not only for the successive Governments of Great Britain only to challenge but I think ours is a greater right to challenge and we have challenged it from the very inception. The result of this law – if the Order in Council is passed – would be this.

First, what was originally supported, or rather maintained was on the ground of administrative convenience, from that we have now come to the stage when not only an area which was kept on the plea of administrative convenience, that area is enlarged to a very great extent and now it is not on the ground of administrative convenience but on the ground that it is going to be the white island, that is a special reserve for white people. That is one. If that law is passed then it follows that the restriction which did not find a place in the way of any Indian acquiring before this law comes into operation, that is to say any Indian could have acquired any property in that highland, but the moment this law comes into operation no Indian could acquire any land within that area — that is a restriction which does not exist at the present moment. Not only that, but those Indians who happen to possess lands within this enlarged area, if those lands are sold once to a European, then that European cannot alienate or transfer those lands to an Indian any more. So far really it seems that the words of that great man, Mr. Bonar Law, are thrown to the winds, namely, even handed justice. Sir, it is far from being even handed justice, it is downright injustice (Hear, hear), and I am glad that on this occasion at any rate the Government of India have risen to the occasion and I wish them god-speed in their fight, and I hope they will win. (Applause).

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The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain...... When I mention the matter of the support that the Viceroy gives to our representation, I ought also to have mentioned that much as we may disagree with the Secretary of State in many matters, in matters relating to Indians overseas, he has invariably assured us that he has done his very best with his colleague, the Colonial Secretary, in pressing our representations on him. However, we must be just to others, if we want others to be just to us. The Secretary of State for the Colonies is not so much responsible to us as he is to his own constituents, the British Parliament. If there were responsible government here, the Member of the Government sitting here would think more of you sitting there than of people elsewhere.

Mr. M. A. Jinnah: That is what we want.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Even when you do get it, the question of Indians overseas is not settled.

Mr. S. Satyamurti: We must go to war on that.

. . . . .

Mr. S. Satyamurti:...........Therefore, I am in this position that, while everybody wants to vote for this motion, everybody supports this motion with his arguments, and everybody, except the Party to which I have the honour to belong, does not want the motion to be pressed to a division lest he be compelled to vote against his own judgment......

Mr. M. A. Jinnah: May I point out, Sir, that we are not supporting the motion, but we are supporting the subject-matter of the motion.

Mr. S. Satyamurti: I know, but there is no other way of bringing up the subject-matter.

Mr. M. A. Jinnah: We have got it. We have brought it up. It has been discussed.

Mr. S. Satyamurti: The subject-matter is one which commands everybody's support, but because of a formal defect, unfortunately in this being a motion for adjournment, some Honourable Member feels, they cannot vote for it. Personally, being a fighter, I should like to vote for this motion. It seems to me a good enough way to "impress" the Secretary of State and the British Government with the strength of feeling in this country and in this House, but I hope, Sir, and I beg of my Honourable friends, the Honourable Member in charge and the Secretary of the Department concerned, to convey to the Secretary of State not "impressions", not mere "conclusions", not mere soft phrases, but that the subject-matter of this motion commands the unanimous approval of the House. (Loud & prolonged cheers) From there not being a vote recorded, it must not be misunderstood as if there is any lack of strong feeling in this matter on the part of a single individual in this House. (Hear, hear)

One last word, Sir, and I have done. I am also grateful to the other Parties in this House who have expressed their profound agreement with the desire of Indians to assert the rights of their fellow-countrymen in Kenya; and, Sir, in order to make sure that this motion is not allowed to be voted on, thereby creating a difficult or delicate situation for our friends in this House and elsewhere, I would beg leave of you and of this Honourable House to withdraw this motion for the present.............

The Legislative Assembly Debates, 1935,
Vol: III, pp. 2857-59, 2903-5, 2914, 2917.

31

Speech in the Central Legislative Assembly on the question of 'Difference between a supplementary grant and an excess grant', New Delhi, March 27, 1935.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to know exactly what are the questions. Perhaps some Government Member will explain the procedure as regards supplemental demands if you specify the questions.

Mr. S. Satyamurti: My questions are these. What, according to the Honourable the Finance Member, is the difference between a supplementary grant and an excess grant? Are supplementary grants introduced only after expenditure has been incurred, or before expenditure has been incurred and when the need for it arises? Does the Honourable the Finance Member consider that supplementary grants should be introduced as early as possible when the Government come to realise the need for expenditure, beyond that voted by this House.......

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Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member wants to know the procedure relating to supplementary demands and the circumstances in which the supplementary demands are made.........

Mr. S. Satyamurti......and the distinction between excess and supplementary grants.

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Mr. President (The Honourable Sir Abdur Rahim): Is there any difference in that respect between supplementary grants and excess grants? I have looked up the Parliamentary procedure and I do not find that there is any distinction as regards the scope of discussions so far as supplementary grants and excess grants are concerned.

Mr. S. Satyamurti: I would respectfully draw your attention to the fact that there is a distinction both in our Rules and Standing Orders and in May's Parliamentary Practice. Rule 49 of the Legislative Rules refer to ....

You will notice at once, comparing the one with the other that, whereas supplementary demands can be moved for new services, excess grants cannot be moved for new services.

Mr. President (The Honourable Sir Abdur Rahim): Apart from the designation, the Chair wants to know the substantial distinction the Honourable Member draws in the matter of scope of discussion.

The Honourable Sir James Grigg (Finance Member): May I explain? An excess grant relates to an excess which only emerges after the end of the financial year. A supplementary grant relates to an excess which emerges during the course of the financial year

Mr. S. Satyamurti: I entirely differ.

Mr. President (The Honourable Sir Abdur Rahim): What the Chair wants to know is about the scope of the discussion.

M. S. Satyamurti: On the point made by the Finance Member......

Mr. President (The Honourable Sir Abdur Rahim): That is another matter. What is the distinction you suggest regarding the scope of the discussion.

Mr. S. Satyamurti: The scope of the discussion is this. In one case, the expenditure has already been incurred......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): The point that the House would like to know, as I understand from your suggestion, is this — that when the grant is brought before the House what are our rights as to the discussion, namely can we make a cut motion, can we really discuss the policy and so forth. That is what the House would like to know.

The Legislative Assembly Debates, 1935,
Vol: III, pp. 2860-61.

32

Speech in the Central Legislative Assembly on the 'Statement made by the Finance Member regarding the tribunal for Indo-Burma Financial Settlement', New Delhi, March 28, 1935.

The Honourable Sir James Grigg (Finance Member): I am very grateful to you, Mr. President, for allowing me to make a statement in regard to the debate that we had two days ago. (*Some Honourable Member*: "We cannot hear you".) I think it is due to the House that in two respects I should supplement and in one respect correct the information I have to the House during the debate on the Indo-Burma Financial Settlement. In the first place, I ought to have informed the House that the tribunal was actually constituted in the middle of December last and has been in session since about the 21st of that month. Secondly, when the debate took place, I was unaware that later information had been received in the Secretariat by telegram to the effect that the tribunal had actually signed their report. I am not yet in a position to say when the report will be published, but I can definitely say now that an opportunity of debating it will be afforded to this House before the Secretary of State submits his final conclusions upon it to Parliament. I must apologize to the House fully and sincerely for having misled it. I ask Honourable Members to believe that this was absolutely unintentional.

Mr. B. Das (Orissa Division: Non-Muhammadan): Has the Honourable Member seen the article in the *Statesman* — Between the Devil and the Deep — and understood the implications?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): With reference to the statement which has just been made by the Honourable the Finance Member, he has only furnished one proof......

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Sir Cowasji Jehangir: Some time before the debate took place, the Honourable Member had opportunities of answering supplementary questions when there was not the slightest inkling given to the House that this tribunal had been appointed so long ago as the middle of December without the knowledge of anybody in India, except perhaps, as now stated by the Honourable Member, the Government of India themselves. Does the Honourable Member realise that the tribunal was appointed against the recommendation of the Round Table Conference? Now, we understand to our great surprise that this tribunal was appointed so long ago as the middle of December. We are now at the end of March, and we were kept in complete ignorance of the constitution of this tribunal or that it was even taking evidence. Does my Honourable friend realise the implications of the statement he has made just now?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I say a few words on this? It seems to me that it is no use flogging a dead horse.

An Honourable Member: We want to see that the horse does not die like this hereafter.

Mr. M. A. Jinnah: In spite of the further information which is contained in the statement, the position still remains this. The Government will contradict me if I am wrong. I still understand that the Government of India were not consulted before this tribunal was appointed. If they were consulted, they must have made some proposals or suggestions of their own. That is still not before us. It seems that the Government of India were not kept in touch by the Secretary of State as to whether this report was concluded or not. The only satisfaction — and I want to be quite fair — that we obtain from this statement is that it is now definitely stated that no decision will be taken by the Secretary of State of India without this House being given an opportunity of discussing the subject.

The Honourable Sir James Grigg: That is so.

Mr. M. A. Jinnah: That is a very very poor satisfaction indeed. I am sure, when we come to discuss this question, we shall be told that here is the recommendation of a responsible committee.......

An Honourable Member: It will be flogging a buried horse.

Mr. M. A. Jinnah: ...... after due deliberation sitting from the middle of December till the end of March, considering various points and discussing them and finally arriving at this conclusion. Is that to be lightly treated? We shall be told that the Government of India were represented and the Government of Burma were represented. I am quite sure that the Honourable the Finance Member will agree with me that that is not the way to treat this House. That is not the way to treat this country, and that is not the way to dispose of such vital interest of Burma and India.

Sir Cowasji Jehangir: Does the Honourable Member realise the significance of the statement he has made just now? The significance is that the Committee was appointed behind the back of India.....

The Legislative Assembly Debates, 1935,
Vol:III, pp. 2958-59.

33

Speech in the Central Legislative Assembly on the motion regarding 'Working of the New Constitution by Indians' despite disclaimers, New Delhi, March 28, 1935.

Mr. President (The Honourable Sir Abdur Rahim): A notice for the adjournment of the House was given yesterday by Mr. Asaf Ali. The notice is to this effect. – that the Honourable Member proposes to ask for the leave of the House:

"to move an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance on the ground that:

(1) in spite of the adverse opinion of the Assembly, the Provincial Legislatures and nearly all political organizations of the country, the Government have reached the misleading conclusion that 'despite disclaimers every body will come and work the Constitution', and

(2) inasmuch as the Government of India Bill is now before the British Parliament the communication of such an opinion by the Government of India to the Secretary of State will do incalculable harm and encourage defiance of Indian opinion."

The Chair would like the Honourable Member to satisfy it that this is a specific matter of recent recurrence and urgent, in the sense of the Standing Order.

Mr. M. Asaf Ali (Delhi: General): Sir, I hope you will permit me to preface my remarks by a few observations.

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wants the Honourable Member to state his points.

Mr. M. Asaf Ali: I shall state my point, Sir, but I simply want to make it perfectly clear at the outset that I do not seek to revive the discussion of any matter which has been debated in this House. Nothing is further from my object. I propose to eliminate as rigorously as possible any reference either to the framework or to the contents of the Government of India Bill which is now before the British Parliament. So far as the point of recent occurrence is concerned, Sir, I do not suppose for a moment that even the Government will question that — because I am basing this adjournment motion on the reply which the Honourable the Leader of the House gave to my question No. 1033 only the day before yesterday. In a way, we are indebted to him for revealing a part of the confidential communication which has taken place between the Government of India and the Secretary of State, but inasmuch as he has made a definite assertion that the Government of India have reached a conclusion with regard to the attitude of India towards the coming Reforms. I think the matter becomes one of urgent public importance.....

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The difficulty the Chair is feeling is this — that the Joint Parliamentary Committee Report was debated on the 4th, 6th and 7th February. Then, on the 13th also, some statements were made as regards the conclusions reached by the Government of India.

Mr. M. Asaf Ali: This conclusion was never made known to us before but only the day before yesterday. It was only the day before yesterday that the Government of India definitely made it known to us and to the world that, in spite of all that had been said in this Legislature and in all the other Legislatures of the country and by all the responsible political organisations throughout the country, they had reached the decision that everybody — mark you, Sir, everybody — would come and work the Constitution. Now, this is nothing but the grossest misrepresentation of facts.

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wanted to know the Honourable Member's point. Sir Nripendra Sircar.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I really would not have pressed my objection but that we are all now pressed for time, and this motion is hopelessly out of order. My Honourable friend is not right in saying that only day before yesterday he came to know that the conclusion of the Government — whether that is right or wrong is not the question now — was that, in spite of these resolutions passed by the Provincial Councils and other resolutions, they were of the opinion that the constitution would be worked. I will read, Sir, from page 558 of the Legislative Assembly Debates of Thursday the 7th February 1935, and I shall read other portions also. I hope to be a brief as possible. Now, this is part of my speech. I would remind the Honourable House that, before this, at least two Members had drawn attention to the fact that this Constitution had been rejected by the Liberal Federation and had been rejected by other bodies, and so on. That should be finally borne in mind. This is what I said:

"If you had the courage to say that, if this is passed, we are not going to work the Constitution, because it is not consistent with self-respect to come within 500 miles of a Constitution, which is so derogatory to us, insulting and so humiliating, then, surely, to be consistent, you should say — we cannot work this Constitution'.

It may be asked why I am assuming that this Constitution is going to be worked by the people who want now to repel it because it is inconsistent with self-respect? My reason is that throughout these speeches, I have not heard even a suggestion made by anybody that they are not going to work the Constitution if the Bill passes through the Houses of Parliament. I don't hear any contradiction even now, and I ask Honourable Members to consider what is the object of passing a futile Resolution when we know that this really means nothing. These are blank shots which create noise. I daresay they raise some amount of smoke but they do not hit anybody. If it had been followed up by a Resolution stating that it is not consistent with our self-respect to work it, I would have understood that there was something concrete in it. But this is nothing.....

I again ask, — what is the good of this heroic language of rejection, inconsistent with our self-respect, and so on, when we know perfectly well that this Constitution is going to be worked?"

Mr. President (The Honourable Sir Abdur Rahim): What was the date of that?

The Honourable Sir Nripendra Sircar: The 7th of February last. And, Sir, every bit of this sort of reasoning may be wrong – we are not concerned with that.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): It is wrong. The reasoning is quite wrong. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better go on.

The Honourable Sir Nripendra Sircar: Sir, in spite of what my friend says, I am sure, I am perfectly correct. The House was informed on the 7th February that that is the opinion of the Government of India, namely, that the Constitution is going to be worked.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): That is the Law Member's opinion – not that of the Government of India.

The Legislative Assembly Debates, 1935, Vol:III, pp. 2960-62.

34

Speech in the Central Legislative Assembly on the demand for the supplementary grant in respect of the 'Transfer of the Agricultural Institute from Pusa to Delhi', New Delhi, March 28, 1935.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs.36,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of "Transfer to the Fund for the Transfer of the Agricultural Research Institute from Pusa to Delhi".

.....

Mr. S. Satyamurti: This is another case – till now we had expenditure already incurred, for which they were moving supplementary grants. Now, it is a case of expenditure for next year......

.....

Mr. G.S. Bajpai (Secretary, Department of Education, Health and Lands): It is a dull transition from the subjects that we have been discussing just now to the question of transfer of Pusa, but I can assure my Honourable friends opposite that I shall curtail the agony as much as possible. Sir, I was stating yesterday why it was that the Agricultural Institute was located at Pusa in the first instance, and I think I explained that point satisfactorily. The next point that I would take up is in regard to the crop experiments and the work on crops which has been done at Pusa. My Honourable friend, Pandit Govind Ballabh Pant, quite rightly paid a tribute to the very good botanical work which has been done at Pusa in evolving a new strains of seeds.......

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I say that I did not make any statement to that effect. I only read out the passage from the Encyclopedia Brittanica.

Mr. G. S. Bajpai: That is perfectly true........

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Before the Honourable Member resumes his seat, I would like him to answer one question for my information: I do not know whether my question is an intelligent one: but after the transfer of this Institute from Pusa to Delhi, what would be the position of the Institute in Pusa?

Mr. G.S. Bajpai: After the transfer of the Institute from Pusa to Delhi, the laboratory work which has, up to the present, been done in Pusa – laboratory work on entomology, mycology, agricultural chemistry and botany – will be done in the laboratories that are to be constructed in Delhi.....

. . . . .

Mr. M. A. Jinnah: I really think, Sir, that the Government do not realise their position, It is not a question of ruling at all. The words are perfectly clear because the Honourable the Finance Member has moved the motion which stands in his name, and he has asked us to vote the grant, and it is specifically stated there that it will be from the surplus revenue. That is quite clear. There is no question of ruling at all from the Chair. The question is this. Do the Government stand by this, and do they want our vote on this? If we vote in favour of this grant, then it means the transfer of the fund from the surplus revenue. If you say that that is your intention, and it is quite clear to me, then the vote of the House can only be recorded on that point. It is not a question whether the House is in favour of the transfer of Pusa institute to Delhi or not. If you want the vote of the House on that question, you must make your position clear.

. . . . .

Pandit Govind Ballabh Pant: The House knows that it has 36 lakhs at this disposal. Undoubtedly, our Finance Bill is passed, adopted and modified every year in accordance with the exigencies of the financial situation......

The Honourable Sir James Grigg: It will automatically on the 31st of March go to the avoidance of debt.

Mr. M. A. Jinnah: I want to know for our guidance one thing. Do I understand my friend, Mr. Pant, to say that he is putting it on the ground that the transfer from the surplus revenue should not take place?

Pandit Govind Ballabh Pant: Yes, Sir: that is the main ground.

Mr. M. A. Jinnah: And no other ground?

Pandit Govind Ballabh Pant: No other ground.

Mr. M. A. Jinnah: It has nothing to do with the question whether the Pusa institute should be transferred to Delhi or not?

Pandit Govind Ballabh Pant: No.

Mr. M. A. Jinnah: Then, Sir, it is not a question of a cut. If I hold that Pusa institute ought to be transferred to Delhi, then I would be entitled to vote against the cut, and when the grant is put to the vote again, I shall refuse that grant on the ground that I refuse to be a party to its transfer from the surplus revenue. Therefore, Sir, I would ask you to put the cut motion first, which is, whether the Pusa institute should be transferred to Delhi or not. If the House is of the opinion that it should be transferred......

Mr. President (The Honourable Sir Abdur Rahim): That is exactly what the Chair was going to do.

Mr. M. A. Jinnah: I am much obliged to you, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The position appears to be quite clear. The Chair need not repeat what it said as to the effect of this motion. It only means that there shall be no transfer from the surplus revenue for this purpose. What action Government will take afterwards, the

Chair is not concerned with at present. The question is......

The Legislative Assembly Debates, 1935,
Vol:III, pp. 2879, 2968-69, 2972, 2975-77.

35

Speech in the Central Legislative Assembly on the Demand for Supplementary Grant in respect of Transfer to the fund for the Development of Civil Aviation, New Delhi, March 28, 1935.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 92,57,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of Transfer to the Fund for the development of Civil Aviation."

. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The point of order raised is that this supplementary demand about the transfer of the fund for the development of civil aviation is not in order and is not covered by rule 50. It is clearly not covered by clause (i) of sub-rule (1), and it is also contended that clause (ii) of sub-rule (1) does not apply because it is not a new service. This question, the Chair admits, is not free form difficulty as to what will be considered a "new service" so far as financial provisions are concerned. Aviation itself is not a new service because provision has been made in the last budget. But what is suggested is that it is a new service so far as the programme as sought to be financed by this scheme is concerned. And also a precedent has been cited in the case of the grant that was made for relief of suffering caused by the Bihar earth-quake. This is a technical question, but one of importance. On the materials that are available at present, the Chair is not prepared to rule that the demand is out of order, but it does not want this to be taken as a precedent for guidance in future.

Pandit Govind Ballabh Pant: Sir, I move:

" That the demand for a supplementary grant of a sum of Rs. 92,57,000 in respect of "Transfer to the Fund for the development of Civil aviation' be reduced to one rupee."

.....

Sir Frank Noyce:......question of Indianisation has occupied the attention of my department very closely, and it will continue to do so. We have made agreements with the operating companies that they should do their best to help us in training Indian personnel and in employing them. I submit, Sir, that my Honourable friend's charge against the department on this account is absolutely without foundation.

As I have said, I could have wished for a better opportunity of trying to convince the House of the merits of this scheme, and of trying to show the extent to which we are endeavouring to conform to our requirements and obligations. My Honourable friend, Sardar Sant Singh, was at a loss to know what the humanitarian and international considerations were. The point there is that, under the International Air Convention, a country has a right to give or refuse permission to the operation of air services across its territorial limits. We have that right to give or refuse to foreign air services permission to cross our territorial limits; but most countries in the world, at any rate all the prominent civilised countries — and I maintain that India is a prominent civilised country, a contention against which, I am sure, there will be no argument — have given permission and we have followed their example. It was in accordance with the terms of the Air Convention that we have given the Dutch and French services permission to operate across India....

Mr. M. A. Jinnah:" Would the Honourable Member tell me why the Government did not, by way of a Resolution, put the matter before this House instead of coming up with a supplementary demand? (Laughter) I would like to know what the difficulty was.

The Honourable Sir Frank Noyce: This is a question which, I think, my Honourable friend, the Finance Member, has already answered. (Laughter) The House may not be satisfied with his reply, but, at any rate he has replied.....

The Legislative Assembly Debates, 1935,
Vol: III, 3000, 3005, 3022.

36

Speech at a meeting of the Muslim Students' Union, Bombay, April 22, 1935.

Mr. M. A. Jinnah, addressing a meeting of the Muslim students' union, Bombay, laid stress on the importance of the Hindu and Muslim communities working together in the best interests of the country. He appealed to the Hindu Mahasabha not to set the "complete supremacy and ascendancy of the Hindus" as its ideal but to treat Muslims as their equals. Sir Suleman Cassum Mitha presided. Mr. Jinnah sails for England on Tuesday.

Mr. Jinnah briefly reviewed the work of the last Assembly session and said they tried their best to settle the Hindu-Muslim question, but did not succeed. The position of the Muslims both in the Assembly and outside — in the public life --

was a very difficult one. If they did not agree with Government or were opposed to Government, they were incurring their displeasure, although Government did not say so openly. At the same time, they had to incur their displeasure in the larger interests of the country. They could not be always supporting Government. When they knew that a particular move was in the interests of India, they supported that move and opposed Government.

Position of Muslims

The position of the Muslims vis-a-vis their Hindu friends was still more difficult. To put it short, there were two schools of Hindu politicians, the National Congress school and the Hindu Mahasabha. So far as the Congress was concerned, he was really glad that it had realised more than ever that without Hindu-Muslim unity, there was no hope of any great achievement in the country in regard to constitutional advance or any other advance for that matter. And that, to Mr. Jinnah's mind was a very good sign. At the same time, there was a certain section within the Congress which thought that the Muslims were not sufficiently patriotic.

It would be admitted, Mr. Jinnah thought, that on vitally important occasions, although the Muslim members of the Assembly did not subscribe to the policy and programme of the Congress party, the bulk of the Muslims walked into the lobby which favoured popular opinion and national interest. In spite of that there was a section among the Congress which doubted their patriotism thinking that they might let down the country at any moment. The Congress leaders themselves, he hoped, realised that there was no foundation for that suspicion.

Ascendancy of Hindus

The position of the Hindu Mahashabha, continued Mr. Jinnah, made not only the position of the Muslims difficult but also made the position of the Congress difficult. So far as the Hindu Mahasabha was concerned, every pronouncement it made, or any course of action it adopted, was calculated to show to the Muslims that the Mahasabha was dominated by the one consideration – the main consideration – that in India there should be complete supremacy and ascendancy of Hindus.

When the Muslims realised that that was the attitude and mentality of the Hindu Mahasabha, their position became difficult. The Muslims naturally asked: "What is going to be our position in the future Government of India? When this great country gets self-government, are we to be under the rule of the Hindus?" How could they, therefore, expect the Muslims to join hands whole-heatedly with the Hindus and share in the struggle for freedom? Unless that mentality underwent a complete change, it would be very difficult indeed for the Hindus and Muslims to work wholeheartedly together.

Experience of Congress

Mr. Jinnah hoped the leaders of the Congress with their wider experience and very good training would overcome that section and assure the Muslims that "it is not going to be a Hindu government, but an Indian government in which the Muslims will not only have a fair and just treatment but also that they will be treated as the equals of the Hindus". The Muslims were ready and willing to co-operate with the Hindus. The Muslims could not be forced to swerve from their path of doing what they considered right. They were not going to allow anyone to achieve supremacy and ascendancy: they were going to share in the government of their own country. How far the Muslims would be able to maintain that position depend upon their own merits. Mr. Jinnah thought that the Muslims need not be in despair, provided they made the fullest use of their opportunities and remained united on every occasion. If that was done, they would win their goal.

At the end of this address, Mr. Jinnah answered a few questions put to him concerning the Independent Party in the Assembly. He explained the principle on which the party worked, namely, that whenever Government were right, the party supported them; whenever they were wrong, it opposed them. The party was not in the Assembly merely for the purpose of obstruction.

The Times of India, April 23, 1935.

37

Interview to the Associated Press before his departure for England, Bombay, April 23, 1935.

Mr. M. A. Jinnah, President of the All India Muslim League, and Leader of the Independent Party in the Legislative Assembly, sailed for England yesterday by the Italian boat 'Conte Verde'. Mr. Jinnah expects to be away from India until about the middle of December and, therefore, he will not be present in India during the Simla session of the Assembly.

Asked about his impressions of the Assembly session just concluded, Mr. Jinnah said that he found the position of various parties *vis-a-vis* the Government most unfortunate. He criticised the attitude of the Government of India both in regard to matters over which they had no control, but had to carry out the behests of Whitehall, and regarding matters which were in their power. "We know", he said, " that all vital issues are settled and decided by the India Office and Downing Street and the Government of India had no option but to defend those decisions; nine out of ten such decisions were palpably wrong and not in the interests of India. The personnel of the Governor-

General-in-Council were not only not able to justify such decisions, but by their attitude during the debates in the Assembly they proved to be very offensive to every section of the House.

Misrepresentation

"While this was the position in India and the House was helpless, the Secretary of State for India justified his actions before the British Parliament by his most autocratic and arrogant attitude and by misrepresenting India. The Governor-General and the Treasury bench in India tried to defend these decisions of the Secretary of State in some of which they were not even consulted. They treated with contempt the sentiments and opinions of all parties in the Legislative Assembly. Having the Congress on their brain all the while, the Treasury Bench refused to listen to anybody and acted like a bull in a china shop. And the result was that towards the end of the session they had not a friend left.

"This was their attitude in regard to matters over which they had no control and in the decisions of which they had no voice. But what about those matters in which under the existing constitution they have ample power? What did they do? Here were questions on which they could have met the wishes of the Assembly in many directions, but here again the present personnel of the Governor-Genereal-in-Council were not capable of understanding the situation which presented itself to them as they lacked in reason and statesmanship. Whenever one happened to discuss matters with any of the members of the Government, it was evident that they were obsessed by the Congress attitude and all suggestions and advices, no matter from what quarters they came, were discarded.

Advisory Capacity

"I do not see how in the circumstances it would be possible for the Legislature to work in harmony and cooperation with the Government. Of course one understands that the Legislature under the present constitution has no control or responsibility and all ultimate decisions in all matters rest with the Governor-General-in-Council and the Secretary of State; and the Legislature is merely an advisory body which can only influence the Government and not control its actions. But even in regard to the advisory capacity of the Legislature, one has to admit that the present personnel of the Government of India was quite impervious to any advice or reasonable arguments".

Speaking on the Budget proposals, Mr. Jinnah said that so long as the present policy and system of defence of India were maintained, the highly paid services remained and the policy in regard to matters financial, fiscal, currency and exchange were beyond the control of the Legislature, it was useless to talk as they were bound to be hardy annuals and stereotyped. There was no chance of any substantial changes being made, as the certificate of the Governor-General was always there.

When conversations turned to the breakdown of the negotiations between him and Babu Rajendra Prasad for a communal settlement, Mr. Jinnah pointed out that it had been constantly given out that the formula which was commented upon by individuals and the Press was his. While he was not at liberty to disclose the private and confidential discussions which took place between him and Babu Rajendra Prasad at Delhi, he felt that he should remove the impression that he was the author of that formula. As a matter of fact the proposals emanated from Congress leaders and Babu Rajendra Prasad, and he (Mr. Jinnah) more than anybody else regretted that they had to give up the negotiations. The only thing he could now say was "try again".

India Bill

Asked as to what he proposed to do in regard to the Government of India Bill in pursuance of his resolution which had been accepted by the Legislative Assembly, Mr. Jinnah said: "I wish I could answer that question, but without unity it is difficult to answer that question and similarly it is very difficult to say what should be our policy and methods to achieve what we want unless we are able to put up a united front."

He said that he took a very keen interest in four matters particularly, namely, the question of trade relations between Great Britain and India; the rapid Indianisation of the Indian Army; the Joint Parliamentary Committee's Report and the India Bill; and, most important of all, a Hindu-Muslim settlement. As regards trade relations between England and India, the position was such that one could not help feeling that Indian interests had not been properly safeguarded. As regards the Indianisation of the army, it was obvious that the present policy of the Government was not an honest effort to Indianise, at any rate the officers rank, as rapidly as it ought to. With regard to the Government of India Bill, His Majesty's Government was going on merrily with the Bill in spite of the opposition from India, particularly regarding the Federal scheme which was most detrimental to the interests of India. As regards the last point, namely, the communal question, he regretted very much that they were not able to find a formula which would have brought about a settlement of the Hindu-Muslim question and harmony and co-operation between the two great communities, without which it was recognised on all hands that no progress or advance was really possible. (A.P.)

The Civil Military Gazette, April 25, 1935.

38

Interview to the Associated Press on his return to India, Bombay, October 24, 1935

Mr. M. A. Jinnah, President of the Muslim League and leader of the Independent Party in the Legislative Assembly, returned to India today.

Interviewed by the Associated Press, Mr. Jinnah said that he had been away from India for nearly six months and it was not possible for him to express any definite opinion without consulting members of his party and leaders of other parties.

Mr. Jinnah added: "The Government of India Bill has now become an Act. We all know that the new constitution has been forced on us and it is now the duty of various leaders to put their heads together and hammer out a definite and common policy regarding the new constitution, which will shortly be inaugurated in the normal course at any rate in the provinces." He hoped to get in touch with various leaders shortly with a view to finding out how they should face the new constitution. (A.P.)

The Civil Military Gazette, Octobere 26, 1935.

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39

Speech in the Central Legislative Assembly on the motion regarding 'Demand of Security from the Abhyudaya of Allahabad', New Delhi, February 10, 1936.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is that of which notice has been given by Sardar Sant Singh, which he wishes to move, to this effect:

"In view of the action of the Local Government in demanding security from the *Abhyudaya* of Allabahad for printing the full text of the speech of Pandit Krishna Kant Malaviya made in the Assembly on the 6th September, 1935, in Simla during the discussion on the Criminal Law (Amendment) Bill, the Assembly do proceed to discuss the question of the privilege of the freedom of speech and its publication in the Press enjoyed by the Members of the Assembly."

I should like to know whether this speech was published in the Press in this paper at the instance of the Member concerned who made the speech. I have not seen the paper myself.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): It is my own paper.

Mr. President (The Honourable Sir Abdur Rahim): Did the Honourable Member himself have the speech published in that paper?

Pandit Krishna Kant Malaviya: It is my own paper and it published my speech. I did not send a copy of my speech to it.

Mr. President (The Honourable Sir Abdur Rahim):

Has the Honourable Member got a copy of the paper?

Pandit Krishna Kant Malaviya: I have not got it.

The Honourable Sir Nripendra Sircar (Leader of the House): We have got it......

.....

Pandit Govind Ballabh Pant:........So, I submit that the motion is in order, and it may very kindly be accepted.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, the matter is of such great importance that I would like to draw your attention to one or two points. The first question that the Honourable the Law Member raised was the question of delay. I really think that you will not accord to that argument, because, if there was any delay, it was a delay not due to negligence on the part of the Honourable Member who has moved this motion; he was pursuing his remedy. In the first instance, he came forward and brought this motion: it did not succeed; in the second instance, it does not succeed; and he has brought it in the course of the last two days. The delay means what? 'It means really that the party has been guilty of very great negligence. On the contrary, the Honourable Member has been pursuing his redress and remedy most actively. Therefore, I submit that the question of a day or two ought not to weigh with you at all in a matter of this kind. Then, the second question that arises in this. *Prima facie* it appears from the order of the Government of the United Provinces that this security is demanded from this newspaper on the ground that it published a speech of the Honourable Member made on the floor of this House. That is the *prima facie* justification for the demand of the security. If that is so, let us examine now whether there is a breach of privilege. It cannot be denied that Honourable Members of this House have privilege to make a speech with the utmost freedom, to use any language they like, subject to your orders.....

Mr. President (The Honourable Sir Abdur Rahim): And the rules and Standing Orders.

Mr. M. A. Jinnah: Subject to that, we have complete freedom to make any speech that we like, express any opinion that we like; and we are not liable to any action outside by any Court, Civil or Criminal. I think that that will be conceded. Now, let us take this instance: suppose the United Provinces Government, or, for the matter of that, this highest and mightiest Government of India were displeased with my speech on the floor of this House, and supposing they pass some executive order against me under the Criminal Law Amendment Act, which is subject to no judicial examination, and supposing they stated the reason there that this action was taken against me by the Government of India on the ground that I made a seditious speech on the floor of this House. If that reason is given, where is my remedy? Not in a Court of law. It is an executive order. Where can I go? To whom shall I appeal? I say, this House (Opposition Cries of "Hear, hear").....

Mr. President (The Honourable Sir Abdur Rahim): Suppose the Government takes action on the basis of any law?

Mr. M. A. Jinnah: I say I have no remedy. It is an executive order. If it was a case of my being prosecuted in a criminal Court, I would certainly say I was privileged, and the Court had no jurisdiction to try my case – that the Government of India Act lays that down. If I was pursued in a civil action for damages against me, because I had libelled somebody, my defence will be "Privilege: Government of India Act". Now, if the Government of India make an order against me – an executive order – that because I happened to make a speech which was undoubtedly seditious – no question about that, I admit it is seditious, then I have no remedy in any court of law. Am I not then entitled to come to this House and say that we must proceed to discuss this question whether the Government have not done something which no Court of law can do? It is a breach of my privilege — I have a right to make a speech, and I have right to have it published: that cannot be disputed......

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know that it is not disputed.

Mr. M. A. Jinnah: No, Sir; I have every right, subject to this, that it is a fair and faithful publication. I am talking of a Court of law. In a Court of law, I cannot be held liable, provided I get a fair and faithful report of my speech published......

The Honourable Sir Nripendra Sircar: My Honourable friend may be right, but it was not conceded: I shall maintain the contrary.....

Mr. M. A. Jinnah: I do not quite follow......

The Honourable Sir Nripendra Sircar: That there can be no action in a Court.

Mr. M. A. Jinnah: If it is a fair and faithful report?

Mr. President (The Honourable Sir Abdur Rahim): He disputes that.

M. M. A. Jinnah: Here is the authority. I am talking of the general principle of law: I am not talking of our Statute for the moment. The general principle of law, which is as old as the hills, so far as the English law is concerned, is that nobody is liable, provided the report is fair and faithful. Here it is laid down in May's Parliamentary Practice at pages 108-109....

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean Wason's case?

Mr. M. A. Jinnah: Yes, Sir:

"The Lord Chief Justice of England, in a more recent case, further laid it down, that if a member publishes his own speech, reflecting upon the character of another person, and omits to publish the rest of the debate, the publication would not be fair and so would not be privileged', but that a fair and faithful report of the whole debate would not be actionable.

Mr. President (The Honourable Sir Abdur Rahim): The whole debate.

Mr. M. A. Jinnah: Let us go step by step, Sir. I say, first of all, supposing a newspaper published the proceedings of the debate, and, in publishing the proceedings of the debate, there was that objectionable speech also. That is a fair and faithful publication of the whole proceedings; that would not be actionable.

The Honourable Sir Henry Craik: Against a newspaper it would be actionable.

Mr. M. A. Jinnah: But we are talking of the newspaper: It is the newspaper that is now here – not the Honourbale Member. If the Honourable Member was here, then there is no action: it is clear as daylight that the Honourable Member has the privilege: that cannot be questioned. If it was the Honourable Member who was proceeded against by anybody, then it would be a clear breach of privilege. That question would be quite simple one. But the question now before us is more difficult. I want to be quite fair. I do not want in any way to represent things which are not correct. As I say, the question here becomes more difficult, because we have a different entity: it is the newspaper; and the question is this: it is very simple if I may put it in a very few words – I do not want to take up too much time – a newspaper no doubt is open to action against it if it is found that it has published something which is offensive according to law either civil or criminal. But if it was a Court of law, it would be open according to the rules to plead that it is the privilege of a member to have his speech published

— that it is the privilege of the newspaper to have the proceedings published; and so long as they are true, fair and faithful, it is not liable to any action. Now, is there no remedy — there is no remedy as far as I can see — against an executive order? Is that question now to be decided by this House or not? I say that the only remedy open to us is that we must at least lay down some rule — surely the executive authorities must be governed by some rule, by some principle. Is there to be no rule, no principle for the executive authority? Are we not entitled, therefore, to say that while, with regard to the normal position, even the highest tribunal in the land has to observe certain principles upon which they have to act, the executive has no principle to act upon?....

Mr. President (The Honourable Sir Abdur Rahim): What are those principles?

Mr. M. A. Jinnah: The principle is this: freedom of speech: this is the answer for you to consider, that the freedom of speech gives me a right to publish it, and that I am not punishable — that is the question we have to decide that the executive, wherever they are, have to observe this rule: that once I have the privilege of freedom of speech, it gives me as a consequential privilege, the privilege of publishing it.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says that whatever action a Court may take is a different matter; but if the executive authority takes any action, this House's privilege is affected, and this House can take action?

Mr. M. A. Jinnah: Yes, Sir: that is the whole of my argument; and I say, therefore, this House must discuss and express its opinion — it is for the Honourable Members who represent the Government of India to observe it or not....

Mr. President (The Honourable Sir Abdur Rahim):

How does the Honourable Member express that opinion?

Mr. M. A. Jinnah: This way, Sir. The same rules must be followed as you would find with regard to a Member who has a right to publish his speech. I have a right to publish my speech. If you give me the privilege to stand here and make a speech which I consider are my honest, independent, fearless views, why am I not, as a corollary, entitled to publish it? Of course, a true and faithful speech, and not a different one, – why am I not entitled to publish that and request my friends who are just above me to publish it?

An Honourable Member: The Fourth Estate?

Mr. M. A. Jinnah: Why am I not entitled to publish it?

The Honourable Sir Henry Craik: The Statute lays down that you cannot.

Mr. M. A. Jinnah: Where is the Statute?

The Honourable Sir Henry Craik: Section 67 (7) of the Government of India Act.

Mr. M. A. Jinnah: I have read that Statute and it clearly says this:

> "(7) Subject to the rules and standing orders affecting the Chamber there shall be freedom of speech in both Chambers of the Indian Legislature. No person shall be liable to any proceedings in any Court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings of either Chambers."

This is not exhaustive. This merely gives direction of all kinds, firstly, it is a protection to the person who makes a speech: and, secondly, it is a protection to those who, under the official orders, have to publish the official report, but that does not exhaust the whole thing. This does not mean that every person, if he gets his speech published, is liable to action. My point is this. If you give me the freedom of speech, I have the freedom to publish it, otherwise the privilege is useless ("Here, here" from Opposition Benches)......

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I ask one question, Sir......

Several Honourable Members from Opposition Benches" Order, order.

Mr. M. A. Jinnah: Therefore, I say, Sir, with great respect, that this is not exhaustive, and that is the very reason why I am anxious in a matter of this importance.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got a right to publish it?

Mr. M. A. Jinnah: Yes.

Mr. President (The Honourable Sir Abdur Rahim): What authority has the Honourable Member got for it? Has he any authority for it, or he is merely proceeding on a general principle?

Mr. M. A. Jinnah: Sir, to tell you quite frankly, I really had no intention to get up and speak on this subject, because I only learnt very late that a question of this kind was coming up. Till this morning, or, for the matter of that, until luncheon time, I had not applied my mind to this. The matter is so important that it requires very careful consideration, and, therefore, I cannot answer.....

Mr. President (The Honourable Sir Abdur Rahim): If there is a *prima facie* case, then the Chair can fixe a date.

Mr. M. A. Jinnah: There is certainly a *prima facie* case; there is not the least doubt about it, because, Sir, if you will read the order you will see.....

Mr. President (The Honourable Sir Abdur Rahim): The Chair says this, subject to any other objection taken by the Honourable the Leader of the House, for instance, that it cannot be brought on an official day.

Mr. M. A. Jinnah: There again, Sir, I say with due respect, the Honourable Member is overstating his case, for, Sir, under our rules, the Governor General no doubt lays down certain days for our business, but if you follow the Parliamentary practice in regard to a motion of this character, the moment such a motion is admitted, it follows that all our normal business must be suspended. It takes precedence over everything else, and the Government have, therefore, to find some day. If the Governor General does not give us any more days, that dose not absolve the Government, the moment the motion is admitted, from giving some day....

Mr. President (The Honourable Sir Abdur Rahim): It is not a question of admission of this motion. The Chair has allowed it, because it was not sure what would be the position. It is a very important question, and so the Chair just allowed it to be argued....

Mr. M. A. Jinnah: Supposing we have to discuss the merits of this motion, then some day must be given, and so the argument that there is no other day available will not do.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it made itself clear. The objection is that a motion to consider the question of privilege cannot be brought in on a notice like this....

Mr. M. A. Jinnah: On an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): As regards the adjournment motion, the Chair has, as a matter of fact, given its ruling that the matter cannot be brought up on an adjournment motion, but the Chair should be prepared to reconsider that. The Chair decided the previous motion on another ground as well, as it said in the very beginning, that it was not in its opinion urgent according to the rules.

Mr. M. A. Jinnah: You decided on the ground first, there was a delay, and, secondly, there was no kind of breach of privilege.

Mr. President (The Honourable Sir Abdur Rahim): The question of privilege could not be brought on an adjournment motion.

Mr. M. A. Jinnah: The subject-matter of privilege.

Mr. President (The Honourable Sir Abdur Rahim): What was passing of the Chair's mind was the question of breach of privilege. It was not a question of adjourning the business and censuring the Government. The House might take action to remedy such a breach of privilege.

Mr. M. A. Jinnah: Therefore, Sir, the only procedure open to us is this, that a day should be fixed. The moment the day is fixed, then, on that day, this question should be put down as to what steps, if any, should be taken.

Mr. President (The Honourable Sir Abdur Rahim): The reason why the Chair has allowed this question to be raised is to find out what would be the proper procedure. The Chair could, of course, having considered it itself, have disallowed it on the ground that it could not be brought on an official day, but the Chair wanted to consider the question whether the House could follow the Parliamentary practice in this respect or not, or whether the House is debarred by its rules and standing Orders from taking up such a question on an official day. The Chair wanted to consider that. Of course, much time of the House has already been taken up, but it could not be helped.

Mr. M. A. Jinnah: My only reply is this, Sir. There is nothing in our rules, and, therefore, we have to fall back upon the Parliamentary procedure as far as possible....

Mr. President (The Honourable Sir Abdur Rahim): The contention of the Honourable the Leader of the House is that our rules prevent any other matter being discussed on an official day without the consent of the Governor-General in Council.....

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Any other business.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it this is business.

Sir Muhammad Yakub: There is difference between business on the agenda and matter.

Mr. President (The Honourable Sir Abdur Rahim): The Chair could have disallowed the motion on the ground.....

Mr. M. A. Jinnah: This is neither official nor non-official business. This is the business of the House ("Hear, hear" from Opposition Benches), and it must take precedence over everything else, including the Government business, because it is the business of the House. I think the Honourable the Law Member himself is involved in this as much as anybody else, because it is his privilege also. It might really come to this that some action might be taken against him for making a speech here. (Laughter)

The Honourable Sir Nripendra Sircar: I would rather have that than waste two days of time of this House; I would rather welcome action against me than waste the time of Members of this House.

Mr. President (The Honourable Sir Abdur Rahim): If the Chair holds that this rule does really debar this motion being brought up, the Chair will really be itself responsible for the time that has been taken up. The Chair was doubtful, and, therefore, it wanted the question to be discussed.

Mr. M. A. Jinnah: May's Parliamentary Practice says:

> "Proceedings of the House may be interrupted at any moment, say, during the progress of a division, by motion based on a matter of privilege when the matter has recently arisen which directly concerns the privileges of the House."

It is business, — in one sense it is business. I cannot say it is not business, because everything we are doing here is business. When you look at the Manual, it really means a particular kind of business, that is, such work or such matters as the Government may bring on official days or such work or matters as the non-official may bring on non-official days which are allotted by the Governor General. Therefore, this is business, but it is not business which is intended by these rules; it is outside these rules; it is not covered by these rules. If you have no ·ut and dried rules which deal with a matter of this character, you will have to fall back upon the Parliamentary practice, — the Parliamentary practice which this House follows and which you and your predecessors followed in giving their rulings. You are not tied down by these rules. Government have got to give some day. Either they put it on an official day, or if they like, they can appeal to the Governor General to appoint a special day. Otherwise, what will be the consequence? In that case, you will never have this sort of matter discussed at any time in this Assembly.

The Honourable Sir Henry Craik: By Resolution.

Mr. M. A. Jinnah: This is not an ordinary matter; this is a matter which at once gets precedence; it even goes to this length that even when you are debating, even when you go on debating an important measure, even then it can be interrupted except the actual division. The whole principle is different. You cannot give notice of a Resolution which has to be balloted for. It is not intended that a business of this kind, a subject of this character should be dealt with by that way. Therefore, it must take precedence over everything. It do ask the Honourable Member really that we must try and maintain the dignity of the House. I am speaking earnestly, not because what the result may be ultimately, but I do think that this is a very serious matter, a matter of great importance, of great importance to the Members themselves as well as the press in the country. Therefore, I do submit that this matter ought to be allowed to be discussed and that the Manual does not really deal with this matter. You are free to follow the Parliamentary practice and say that some day must be fixed. If the Government cannot fix a day, very well, it is their responsibility. (Applause)

....

Pandit Krishna Kant Malaviya: Sir, may I know from the Honourable the Law Member if he is aware of the judgement of Sir Lawrence Jenkins in the famous *Comrade* case in which he held that the High Courts are powerless against the actions of the executive?

The Honourable Sir Nripendra Sircar: I do not know that that is a personal explanation. I shall take up the points shortly. I draw your attention once more to page 269. I submit, my Honourable friend, Mr. Jinnah, probably due to the fact that he did not attend to it before Lunch and I do not know what happened after Lunch.....

Mr. M. A. Jinnah: Sir, that is not fair; I do really expect the Honourable the Law Member to be fair. I was not able to answer your question, because I naturally looked at the matter here as far as the law is concerned. It is not that I did not follow other Honourable Members. The whole morning I have been listening to the speeches before I got up. Only that particular question I could not answer.

The Honourable Sir Nripendra Sircar: If I have been unfair to my Honourable friend, I withdraw my remarks. May I go on to page 269.....Another point which I should like to dispose of at once would be the argument of both my Honourable friends with reference to rule 24-A. If I have understood my Honourable friend. Mr. Jinnah, correctly — he will kindly correct me if I am wrong — he said that this business is not Government business. It is not non-official business. It is the business of the House."

Mr. M. A. Jinnah: Is it not business within the meaning of the rule?

The Honourable Sir Nripendra Sircar: Quite so. Let us see what the rule says. I read only the last portion of rule 6:

"No business other than Government business shall be transacted except with the consent of the Governor General in Council."

So long as it is not considered Government business, and it cannot be Government business, started as it is, on a motion by Sardar Sant Singh, the rule is mandatory "that no business other than Government business shall be transacted except with the consent of the Governor General in Council." My point is this: as this is not Government business, I need not discuss what business it is. Business surely it is. As May's Parliamentary practice points out.....

. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair is very much obliged to the Honourable Members who have given it so much assistance in this matter. It is such an important question of privilege and procedure that the Chair thought it must hear the arguments fully as regards the points raised. The Chair will give its ruling afterwards.

The Legislative Assembly Debates, 1936,
Vol. I, 471, 490-97, 507-8, 512.

40

Speech in the Central Legislative Assembly on the 'Italian Loans and Credits Prohibition Bill', New Delhi, February 14, 1936.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the Bill to prohibit the making of certain loans and credits be taken into consideration".

This measure, though it may deal with very large issues, has a very small scope so far as India is concerned. It does not in any way purport to deal with those sanctions which impose direct prohibitions on the inter-change of commodities. It merely concerns the financial sanctions, and these in themselves amount simply to the prohibition of making loans or giving credits to Italy. These sanctions were, of course, as the House will remember, the earliest decided upon by the League of Nations. I say 'decided upon' advisedly, for once the League had declared Italy to be an aggressor in the Italo-Abyassinian dispute, the imposition of these sanctions by India follows directly upon her obligations under the Covenant. It will not be out of place here to remind the House that there are as many as 52 States who have actually imposed these financial sanctions. The Legislature itself was not in Session when the League came to this decision and it was, therefore, necessary to issue an Ordinance to give effect to them in India. This Ordinance was operative as from the 18th November. The Ordinance will, in the ordinary course of events, expire at the end of six months, and, as it seems possible, indeed I am afraid probable, that the war will last for longer than that time, it is necessary to come to the House to extend the operation of the sanctions by means of this Bill.....Indeed, as it seems to the Government of India, there were in the present case the strongest possible arguments for supporting the League in their attempt, which may or may not be successful, to put an end to aggressive warfare by means other than the use of force. I do not propose to repeat the general arguments because it seems to me that they are such as will readily suggest themselves and commend themselves to all shades of Indian opinion.

Mr. M.S. Aney: Sir, a Bill like the present one really brings to our mind the unreality of the whole affair. Here we are solemnly asked to enact a law in fulfilment of our obligations as a member of the League of Nations.......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Which are discharged by somebody else?

Mr. M.S. Aney:........which, as my Honourable friend to my right has justly remarked, are not to be discharged by us, on our own responsibility, but by somebody else in our name. It is a kind of what they call benami transaction going on as far as India is concerned, in the League of Nations. It is a very anomalous position......

The Legislative Assembly Debates, 1936, Vol: I, pp. 892-93.

41

Interview to the Associated Press regarding Shahidganj issue, Lahore, February 21, 1936.

Interviewed by the Associated Press, Mr. Jinnah said:

"My task is purely that of a conciliator and peacemaker. I have arrived in Lahore in the full hope that the leaders of the various communities will help me to bring about a settlement, because the general and greater interest of the Punjab, and particularly of the city of Lahore, will be best served by the three important communities, Hindus, Sikhs and Muslims, working together and cooperating in a friendly spirit.

"There are much bigger issues which the Punjab will have to tackle than Shahidganj and it is only by unity that we can tackle the various problems that are confronting us and will continue to confront us from time to time. Therefore, my earnest appeal to all leaders of the different communities is to help me. I can assure the people of Lahore and the Punjab in general that I have not come to Lahore in a partisan spirit." (A.P.)

The Civil Military Gazette, February, 22, 1936.

42

Speech in reply to the Addresses presented to him by Jamiat-i-Islam and Blue Shirts, Lahore, February 21, 1936.

"I ask you to keep calm and to understand me," said Mr. M. A. Jinnah addressing a gathering of about 50,000 Muslims in the Badshahi Mosque. "I have come to help you and I expect you to help me." He concluded with a promise to do his utmost while in Lahore "to secure an honourable settlement for Muslims regarding the Shahidganj affair."

Mr. Jinnah thanked the Muslims of Lahore for the cordial reception they had accorded him and added: "Believe me, nobody in particular has brought me to Lahore. I landed in Bombay on October 24 and have since been following the Punjab situation with the utmost care and attention. I felt that it was my duty to come to the Muslims of Lahore. I also felt that you cannot carry on war and negotiations for a settlement at the same time. I, therefore, of my own accord asked you to stop civil disobedience. By stopping this movement in deference to my wishes you have proved yourself to be a disciplined community. You have raised your prestige and shown that you can act in cooperation with one another.

"I have come to help you. I have no other interest. Success and failure are in the hands of God. Nobody can say that he is going to succeed and nobody likes to say that he is going to fail. I shall do my utmost to help you. At the same time I appeal to you to maintain a helpful attitude and do nothing which may hurt the feelings of the other communities. When there is a truce, let us act like honourable people as long as the truce lasts."

The Civil Military Gazette, February 22, 1936.

43

Press interview regarding Shahidganj affair, Lahore, February 24, 1936.

Questioned by a press representative as to how long he proposed to stay in Lahore, Mr. Jinnah said: "I shall stay as long as it may be necessary, even for a fortnight." Commenting on the Punjab Government's communique removing all restrictions on the Shahidganj internees he said:

"I am glad to learn and appreciate very much the action of the Punjab Government in making my task easier by releasing the internees. I cannot be in touch with all sections of Muslim opinion and I hope I shall be able to persuade all my Muslim friends that co-operation towards an honourable understanding and settlement is the right course. I am thankful to the leaders of the Sikh and Hindu communities, the public and the Press in general for their courtesy and good wishes towards me and I appeal to them again to help me in every way they can in my task."

The Civil Military Gazette, February 25, 1936.

44

Speech at a tea-party given in his honour, Lahore, February 26, 1936.

"The Muslim community, not only in the Punjab but in India as a whole, is at present a No-Man's Land," said Mr. M. A. Jinnah in the course of a speech in Lahore. "Anybody who chooses can squat on it and say I am your owner." He advised Muslims to "choose your own leader and see that he renders to you the account of his stewardship. If he fails to do so, throw him out."

The Civil & Military Gazette, February 27, 1936.

45

Speech in reply to the Address of welcome presented to him by the members of the Muslim Students League, Lahore, February 26, 1936.

Mr. Jinnah was the guest of honour at a tea party. The hosts were members of the Muslims Students League of Lahore, the function having been organised by the League's Secretary, Mr. Inayat Ali Syed of the Government College.

Address of Welcome

In the course of an address of the welcome to Mr. Jinnah the members of the League described him as 'the only leader to be depended upon.' They expressed their implicit confidence in him and welcomed his efforts to bridge 'the gulf between the two sister communities of the Punjab'. They added: 'The task is no doubt a stupendous one, but we sincerely pray that the Almighty will crown your efforts with success.'

Replying to the address, Mr. Jinnah said that the task undertaken by him was no doubt very difficult, but that, the greater the difficulty, the greater should be the effort to overcome it. "I hope I may succeed, but the only chance of my success lies in that both communities should try to rise above the ordinary level."

Referring to the Sikhs, he said that from his very childhood he had had an admiration for them. "I cannot perhaps account for it, but I have always considered the Sikhs a very fine community. I have rendered them whatever service I could, not for a fee, but out of regard for them, in connection with the Jaito developments and in connection with the deposition of the Maharaja of Nabha.

I have found that the Sikhs have regard and appreciation for one who has done them sincere services. Every

Sikh who has met me has shown his desire to help me and give me his good wishes."

Advice to Muslims

Referring to Muslims he said that the first question they should ask themselves was: "Is our house in order? Are we an organised and united community? If you speak with half a dozen different voices", he continued, "how can you expect anybody to accept any of these voices as the voice of Muslims. Not only in the case of Muslims, but in the case of the Indian nation as a whole, a lot of spadework has to be done. Whether it be the Muslim community or the Indian nation, if it is rotten at the bottom, what can you do with a few genuine men at the top? How can you make representative Government a success?

"If there were a Dictatorship, the Dictator would do the thinking for the nation, but a representative Government can be a success only if the electorate is intelligent and can make an intelligent choice of its leaders. The Muslim community not only in the Punjab, but in India as a whole is a No-Man's Land. Anybody who chooses can squat on it and say, "I am your owner.' This is not as it should be. You must make an intelligent choice of your leader and see that he renders to you the account of his stewardship."

The Civil & Military Gazette, February 27, 1936.

46

Speech at the Badshahi Mosque, Lahore
February 28, 1936.

Speaking at the Badshahi Mosque to a large congregation of Muslims, Mr. Jinnah said, that he had been in consultation with all their leaders and that after prolonged consideration, they had come to the conclusion that the civil disobedience movement should be stopped and that all their efforts should be directed to a settlement of the Shahidganj dispute by a constitutional and peaceful means.

In the People's Interests

He added: "It is now for you to endorse the recommendation which we make to you today and I hope you will give your unanimous sanction to it. We have not arrived at this decision because we are afraid or that it has been brought about at the bidding of anybody but because we have deliberately come to the conclusion that it is solely in the interest of the people.

"I know that you have in your mind those who are in jail and those who have suffered and are suffering in connection with the Shahidganj movement. I am not going to ask the Government as to what they should do, but I would like to say this: that it is the plain duty of the Government to declare an amnesty without further delay and I appeal to you to remain calm and peaceful and to help me in my task so that I can serve you all to the best of my ability."

The Civil Military Gazette, March 1, 1936.

47

Speech in reply to Malik Barkat Ali's speech regarding Shahidganj at a tea party, Lahore, February 28, 1936.

Referring to the Sikhs in the course of his reply Mr. M. A. Jinnah said: In the past we have fought against them and they have fought against us; we have beaten them and they have beaten us. They are a great and brave community and I think that I am voicing the true feelings of Muslims when I say that nothing will please the Muslims more than an honourable settlement between the two brave communities of the Punjab."

Mr. Jinnah, said, that, barring the passage devoted to his praise, Mr. Barkat Ali's speech represented, to a large extent, his own views. In Delhi and Lahore he had been told by certain friends that the Muslim community had already practically closed the chapter of Shahidganj and that only a few hotheaded youths were carrying on the shahidganj movement. His own readiness of the situation, after personal contact with Muslims of various classes, was different.

"It is true that the forces of Muslims were scattered and disorganised. Various reasons prevented them from giving expression to that cohesion and unity which existed in their hearts; but I noticed that the heart of every Muslim, from the highest to the lowest, was wounded and bleeding and I made the authorities realise that there was not a single Muslim whom I had met who did not feel keenly on this question."

He referred to letters and telegrams which, he said, had poured on him from various provinces when his decision to visit Lahore was announced in the press. They showed that Muslim feeling in other provinces about this question was as keen as in the Punjab. Referring to the decision to abandon civil disobedience he said: "We took this decision, not because we were afraid, nor at anybody's bidding, but because after a careful review of the situation and my consultations with representatives of various sections of Muslims we became convinced that it was in the best interests of our cause to give up civil disobedience. We shall pursue our remedies through constitutional and peaceful methods. There are several avenues of constitutional work available". He emphasised that "while we are not going to give up the Shahidganj question, we are going to make every possible effort to come to an amicable understanding with the Sikhs." In the end he exhorted Muslims to close their ranks and to organise themselves so that their voice might command respect.

The Civil & Military Gazette, February 29, 1936.

48

Interview to the Associated Press regarding release of Shahidganj prisoners, Lahore, February 28, 1936.

Interviewed by the Associated Press on the Government communique announcing the release of Shahidganj prisoners, Mr. Jinnah said: "His Excellency the Governor of the Punjab and the Government of the Punjab have treated me during the few days that I have had the opportunity of discussing the question of Shahidganj with the utmost consideration and I am personally thankful to them for giving me all help and assistance. I am very glad that they have declared a general amnesty and I am sure that the Muslims of the Punjab and India will not fail to appreciate the action that the Government have taken."

The Civil & Military Gazette, February 29, 1936.

49

Speech at a meeting at Town Hall, Lahore, March 1, 1936

"Please help me." — These three simple monosyllables formed the burden of a stirring appeal by Mr. Muhammad Ali Jinnah to gathering at the Town Hall, Lahore, remarkable for its representative character.

Mr. Jinnah received a rousing ovation as he rose to speak. He confessed his sheer inability to find suitable words to thank the speakers for the kind references to him made by them. He assured them that they had touched him deeply. After referring to his mission which was, for the present at least, the solution of the Shahidganj dispute, he said: "Believe me, I have not come here as a Muslim leader. I have not come to champion the cause of the Muslims. I have only one object before me and that is that a fair and just solution of the problem should be found and if it is fair and just, it will be honourable and lasting. While I do not want to mention particularly any one speaker of this evening, I should say one thing gave me the greatest encouragement and that was the speech of Sardar Ujjal Singh, who, on behalf of his community, assured me of his community's fullest co-operation. That expression has given me the greatest encouragement.

Mr. Jinnah added: "I have met many Muslim leaders in the past few days and after a thorough study and days and days of heart-to-heart talks I am convinced that there is not a single thinking Muslim who does not desire friendship and brotherhood with Sikhs and Hindus. As I have said before, we have got much bigger problems to tackle in the Punjab and the greater interests of the Province demand complete unity.

Doing My Best

"With regard to the negotiations, I cannot say anything more than that I am doing my best. It is a most difficult and delicate task. I have understood what the issues are and if I get your genuine and heartfelt support it can be solved. If you can rise above everything else, if the leaders will leave aside everything else and take the issue completely in their hands and face them, whatever the consequences may be, it can be solved in no time, I am not belittling the enormity of the task. When the dispute takes the form of the religious sentiments of both communities, it is very difficult to make the ordinary man understand. But the more difficult, the greater should be our efforts. Although it is a very small question, yet in another sense it is a very big question. From small beginnings, we can achieve bigger things. My appeal to you, therefore, is please help me and with your help, I feel confident, I can solve it in a manner which will be honourable to both communities."

Referring to Pandit Nanak Chand's[1] remarks about his work at the Round Table Conference, Mr. Jinnah said that he could say that he was perhaps the most individualist member of the Conference. "I displeased the Muslims. I displeased my Hindu friends because of the 'famous' 14 points. I displeased the Princes because I was deadly against their underhand activities and I displeased the British Parliament because I felt right from the beginning and I rebelled against it and said that it was all a fraud. Within a few weeks I did not have a friend left there. But whatever I have done, let me assure you, there has been no change in me, not the slightest, since the day when I joined the Indian National Congress. It may be I have been wrong on some occasions. But it has never been done in a partisan spirit. My sole and only object has been the welfare of my country. I asure you that India's interest is and will be sacred to me and nothing will make me budge an inch from that position."

Communal Award

Referring to the communal award Mr. Jinnah said that it was never intended to be a permanent arrangement. Political pacts, constitutions and such other adjustments could have no permanency about them. They were devised to meet a particular situation and were all subject to alteration by the nation. He referred to the changing constitutions in European countries in support of this contention. In conclusion, Mr. Jinnah referred to his constant efforts for a solution of the communal problem and assured the audience: "I will not and I cannot give it up. It may give me up. I will not". He was convinced that without communal unity there was no salvation for India. Turning to Miss Shah Nawaz, Mr. Jinnah said that it augured well for the youth of Lahore that a woman was their representative because his advise to youth would be: "Take your women with you." (A.P.)

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[1] Leader of the Hindu Party in the Punjab Legislative Council.

The Civil & Military Gazette, March 3, 1936.

50

Statement contradicting his alleged statement in the meeting of the League Council, Lahore, March 1, 1936

Mr. M. A. Jinnah, who arrived in Lahore from New Delhi, has made the following statement to the Press:

"I have seen a report in a Delhi paper saying that I made a statement at the meeting of the Council of the All India Muslim League at New Delhi yesterday that, as a result of the negotiations, the Sikhs in the Punjab are prepared to express their regret to Muslims if Muslim feelings have been wounded by any of their actions, but that they are not prepared to give up the land in dispute. This statement is without foundation. I had not disclosed to anybody at what stage we are in our conversations. What I did say was that this has been the case of the Sikhs from the beginning and the case of the Muslims has been that they want possession. Between these two contentions we have to find a solution which is honourable to both parties. That is why I have come to Lahore and will be doing my best to find an amicable settlement if possible." (A.P.)

The Civil & Military Gazette, March 3, 1936.

51

Speech at the Id reception, Lahore, March 4, 1936.

Mr. M. A. Jinnah was the guest of honour at the Id reception held at the Local Muslim Club. Mian Abdul Haye welcoming Mr. Jinnah thanked him on behalf of Muslims for undertaking the present negotiations. He declared that if there was any leader who could bring about a settlement of the dispute it was Mr. Jinnah.

In his reply Mr. Jinnah thanked the members of the club for their reception and kind words spoken of him. He added: "I can tell you I am doing my best for a settlement. And whatever the newspapers may say I want you to understand that I am here only and solely for one object namely for a settlement of the Shahidganj dispute."

Mr. Jinnah added his work had two parts. One related to the Government and Muslims and in this an adjustment had been reached which he hoped was satisfactory. With regard to the other question between the Sikhs and Muslims he was still carrying on negotiations. He reiterated its difficulty. "But if sentiments are tempered by reason and fact I do not see why we should not be able to find an honourable settlement." (A.P.I.)

The Tribune, March 6, 1936.

52

Speech at the annual meeting of the Speakers' Union, Dyal Singh College, Lahore, March 5, 1936.

"India has everything. God has given her everything, but the man has not served her well. Let man serve India, and you have bright days ahead of you", declared Mr. M. A. Jinnah.

Prof. Dass Gupta, in welcoming Mr. Jinnah on behalf of the College, referred to the non-communal spirit which prevailed in the College which owed its existence to the munificence of late Sardar Dyal Singh Majithia. Continuing, he said that they were very happy indeed to have Mr. Jinnah in their midst and that they had the fullest confidence in his wise leadership. In concluding Mr. Gupta said "in the history of the College this visit will be considered as a red-letter day."

Mr. Jinnah's reply

Mr. Jinnah was given a hearty ovation when he rose to respond. He said: "I feel myself among kindred spirits. This College does not believe in any creed and I, too, feel that the salvation of India lies in the non-sectarian feelings. It was this creed which I had in the past, which I have at present and which I will have in future dearest to my heart. You, Sir, talked of Mussolini and Hitler; we cannot have dictators in India for a Dictator to be a real one and not in name only must have the power to punish and the power to reward. He must have an army to back him.

"I want you to realise that the only difference between you and me is that I am older than you. Although I began my life as a dreamer and an idealist like you, now when I have gone through almost the whole of it I have begun to realise the realities.

"Imagine, we are thinking of setting up a representative form of Government. What foundation have we for it? If we start from the top it cannot and will not be representative.

Any unscrupulous and unprincipled leader today can exploit the masses of the country at any time he likes as long as he can play to the tune that they understand. Unless, therefore, we get a solid portion of people who are trained and who understand and have the requisite knowledge at least to select a leader rightly and say 'we will stand by you and support you loyally' and who should be able to disown him if he goes astray, we cannot have representative Government. Have we one single leader in India or even in one community who can command the wholehearted loyalty and allegiance of the country or the community or even of the intelligentsia? Is there one leader who can speak for you? Let me have that much at least; the very fact that there is a united front which has a man who has the power to speak for them is irresistible."

Mr. Jinnah then feelingly referred to late Mr. Gokhale and said "Give me more Gokhales." He concluded "India has everything. God has given her everything but man has not served her well. Let man serve India and you have bright days ahead of you."

The Civil & Military Gazette, March 6, 1936,
& The Tribune, March 6, 1936.

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Speech at a public meeting arranged by the Servants of India Society, Lahore, March 6, 1936.

"The only possible way to face real issues is that the leaders meet together and sit down as politicians and statesmen and not as Hindus, Muslims or Christians, and see what danger lies ahead and then devise ways and means of destroying that danger." This was the significant utterance of Mr. M. A. Jinnah at a crowded public meeting arranged by the Servants of India Society in the Lajpat Rai Hall, Lahore.

Sole Mission

Mr. Jinnah who spoke on the subject of "The task before us" said that he did not like to be entangled in local or provincial politics when his sole mission at present was to solve the

Shahidganj problem. Clearing up certain statements made by Mr. Baul in reference to the fourteen points, he said that those proposals were based on joint electorates. All Congress leaders welcomed and encouraged them. The All India Congress Committee accepted them, and in turn they were adopted at the full session of the Indian National Congress at Madras. The Muslim League then adopted them. Following that it was proposed to call a Congress-League Conference and frame India's demands but for certain reasons the Congress retracted its affirmation and originated the Nehru report. He blamed the Congress for breaking its plegdes.

He said that many Hindus had regard for him. He vehemently declared that whatever he had done he had done with a single purpose as a politician thinking that if a particular course was adopted it was going to serve the country well. He advised the people to be practical. There was no last word spoken in politics. They should be advocated, weigh advantages and disadvantages because politics was a game of chess. Continuing, Mr. Jinnah said that constitutions are made by the people, they are changed by the people and they are torn by the people if they so desire. He said that they should look across the world and not confine themselves to Lahore or the Punjab. He referred to Germany as an example where constitution has been changed and torn. He advised the people to try and devise means and methods to fight the main issue.

He deplored that the new constitution had been imposed on India. It was declared to be reactionary by one and all. He regretted that there was no unity of purpose in Indian politics. Parties and differences were based on small things. He asked: "When we shall learn to face the real issues? The only possible way out of this all is," he suggested, "that the leaders, at least if you have any leaders, meet together and sit down as politicians and statesmen, and not as Hindus, Muslims or Christians and see what danger lies ahead and devise ways and means of destroying that danger."

The Civil & Military Gazette, March 7, 1936.

54

Speech at the Rotary Club, Lahore, March 6, 1936

An appeal to the intelligentsia to help in the solution of the Shahidganj tangle was made at the weekly meeting of the Rotary Club of Lahore by Mr. M. A. Jinnah who was the chief guest of the Club.

Mr. Jinnah said that he had been given to understand that the Rotary Club did not meddle in politics. The resolution of the Shahidganj problem, regarding which he was in Lahore, was nothing but a human problem. It was not within the pale of the law to work out an honourable settlement of the problem. The problem was more delicate than difficult. He was confident that with goodwill and reason it could be solved. He had come to the Punjab with the sole purpose that the peace of the province must be maintained. "If you all put your heads together and help in the solution of this tangle, it can be solved," said Mr. Jinnah.

Continuing, he said that people had vague ideas about the problem, and they did not understand what it was. The intelligentsia had been indifferent and they had not bothered about it, thinking that it was only a small thing. Had it not been for Alsace Lorraine, the history of the Europe would have been different. Over it France remained in mourning from 1871 till the Great War, when they got it back. Comparing it with the Shahidganj tangle in Lahore, he warned people that this should not be allowed to develop into such a divergence. In conclusion, he said that if he failed to find a solution he hoped the intelligentsia would put its heads together and find one.

Answering questions, Mr. Jinnah elucidated the meaning of "honourable". He said the dispute was between two great communities and the settlement must respect their respective feelings and must not be derogatory to their self-respect. He was hopeful of solution because of the peaceful atmosphere in Lahore and of the fact that people had started thinking in terms of reasonableness.

To another question as to what the youth of Lahore could do towards the solution of the problem, Mr. Jinnah said they should make people understand what the real issue is and prevent unscrupulous leaders from exploiting the masses.

The Civil & Military Gazette, March , 1936.

55

Statement before his return to Delhi regarding Shahidgunj dispute, Lahore, March 7, 1936.

Mr. M. A. Jinnah, who has been in Lahore for the last fortnight attempting to bring about a settlement of the Shahidganj dispute, issued the following statement to the Associated Press on the eve of his return to Delhi:

"I find that there is a general change in the situation and that a better atmosphere is now created. Events have moved rapidly. My negotiations with Sikh leaders and Muslim leaders have clearly brought out on both sides that there is a genuine and sincere desire for an honourable understanding and settlement. They both desire that friendly relations should be established in the greater interest of the Punjab. Various suggestions and proposals have been made, but as I have said before, the question is more delicate than difficult because religious sentiments are deeply moved. In order to consider various proposals and counter proposals it is not only necessary to maintain a calm and peaceful atmosphere, but they require examination and adjustment so that both communities may be satisfied with any ultimate agreement that may be evolved.

Further Effort

"This is not a dispute between two individuals, but between two great communities, and it must take sometime to ascertain the general wishes of the people. In order to do all this work effectively, it is considered that further efforts should be continued and every endeavour should be made to bring about an honourable solution. I have, therefore, been impelled to the conclusion that the purpose can best be served by constituting a Conciliation Committee, that may be called 'The Shahidganj Conciliation Committee' consisting of the following gentlemen, and I hope that they will offer their services and do their utmost as intermediaries by approaching the leaders of their respective communities in order to find an agreed formula which may be acceptable to both parties.

"After thinking over the matter carefully, I venture to suggest the following names. Of course they can add to their number. Dr. Sir Muhammad Iqbal, Maulvi Abdul Qadar Kasuri, Mian Abdul Aziz, Raja Narendra Nath, Nanak Chand Pandit, S.B. Buta Singh, Sardar Ujjal Singh and Sardar Sampuran Singh. Convener: K.B. Mian Ahmad Yar Khan Daultana.

"I have consulted most of them and they have agreed to undertake this noble mission and I wish them Godspeed. In conclusion. I may say that I shall be glad to place my services at their disposal if and when they require them and also try to come to Lahore again if my presence is necessary. Meanwhile it is understood that the peaceful atmosphere already created will be maintained."

The Civil & Military Gazette, March 8, 1936.

56

Speech in the Central Legislative Assembly regarding the "Perilous nature of the forward policy pursued by the Foreign and Political Department, Government of India," New Delhi, March 9, 1936.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 9,09,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Foreign and Political Department'."

......

Perilous Nature of Forward Policy pursued by the Government of India.

Mr. M. Asaf Ali: Sir, I move the following:

"That the demand under the head 'Foreign and Political Department' be reduced by Rs.100."

The hesitation with which the Government has moved this demand indicates that they themselves feel that it is an unconscionable demand. It is a rather difficult subject which I have to tackle today in connection with my motion, for the simple reason that the Government in the plenitude of their exclusive wisdom generally draw a veil of secrecy across the frontier and seldom let us have a peep into affairs as they go on behind this curtain, and that puts us in a rather difficult position to have an accurate idea of things. But, at the same time, there are certain events which cannot escape notice. In so far as the foreign policy of the Government is concerned, one thing is beyond doubt, and it is that it is never dictated by India's interests. It is dictated by Imperial interests: in fact, it was admitted the other day by the Honourable the Foreign Secretary that he himself had scarcely any discretion in the matter of either formulating or guiding the foreign policy of our country. He had only to carry out the behests of the British Government. Now, it is rather unfortunate that the external affairs of India should not be the exclusive concern of our own country, that our external affairs should be the concern of another country, whose interests are in certain respects, in fact in many respects, so far from being identical with ours, are really in violent conflict with our interests. The Imperial interests of England have naturally committed England to very heavy responsibilities all over the world. There was a time when England's foreign policy with particular reference to India was influenced very largely by fear of Russia. At another time, it was influenced by England's view of German ambitions. There was another time, Sir, when French ambitions, in certain quarters, influenced England's foreign policy with respect to India, and today we find that all those old dangers have disappeared, but a new danger has appeared, namely, Japan's economic invasion of markets within British influence, particularly India. Now, that is a matter which can only be solved when India develops her own industries and when India can stem the tide of Japanese competition, — it may or may not be, a matter in which England may take interest later on, but India has got vital interests of her own. However, Sir, as I was trying to show, the foreign policy of India has been responsible lately for extending India's invisible frontiers to somewhere beyond India's natural frontiers. We find that India's invisible and political or rather foreign frontier, if I may put it that way, has now been extended almost to the other side of Suez. I should not be surprised, as it was pointed out by a friend among the European Group the other day, to me, if it was considered to be Massawa. For all we know this invisible frontier line passes through Aden, Muskat. Koweit, Bahrein and so on, it goes further and further up and then it comes down again in a curve and it encircles Baluchistan, and then we find it proceeding along the Durand line and between the Durand line and the natural frontier of India, we find the Independent territory. Then it goes upwards. And quite recently, Sir, we find that the Government have found it necessary, — I do not know whether it is the Indian Government or the British Government, but the Government have found it necessary to take over what was known as the Gilgit agency.......

……

Major Nawab Ahmad Nawaz Khan: On account of pressure from people who said that if Government could not stop these raids properly, then they should leave this country and give it to Afghanistan or any other king who could manage it properly, that this policy of making Razmak a big cantonment was started by the Government. The Honourable Sir Muhammad Shafi, who was a Member of the Executive Council of the Government of India then, and Sir William Vincent, had toured in the North-West Frontier Province and actually discussed this matter on the spot with the people of the locality, and then this policy was started. This forward policy was not, as some Honourable Members and people think, for the greed or aggrandisement of the country. It is a barren country it does not pay the Government, it is a burden to them, but it is only for the protection and safety of the people of Settled Districts that the Government went there in the tribal territory, opened the country and established a cantonment. Now, the tribal people are so much benefited by this policy that they will not allow the Government to leave the cantonment.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Would you allow me to ask a question? When was this policy started and when will it end?

Major Nawab Ahmad Nawaz Khan: It was started at our request when we were very much troubled. . . .

Mr. M. A. Jinnah: What year?

Major Nawab Ahmad Nawaz Khan: It was during the Great War: 1915, 1916, 1917, 1918.

Mr. M. Asaf Ali: It was started in 1895, and it has gone on since then.

Major Nawab Ahmad Nawaz Khan: What I was saying I meant that Razmak was started as a cantonment . . . .

Mr. M. A. Jinnah: When will it end?

Major Nawab Ahmad Nawaz Khan: It will be ended when there is no necessity for it.

The Legislative Assembly Debates, 1936,
Vol: III, pp. 2155-56, 2169.

57

Speech in the Central Legislative Assembly on the motion "to reduce demand for Executive Council regarding no-confidence in the Government", New Delhi, March 10, 1936

Mr. President (The Honourable Sir Abdur Rahim): The Congress Party will move the next motion under Demand No. 28 – Executive Council.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That a sum not exceeding Rs. 1,49,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of the 'Executive Council'."

Mr. President (The Honourable Sir Abdur Rahim):

Motion moved.

"That a sum not exceeding Rs. 1,49,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of the 'Executive Council'."

No Confidence in the Government.

Mr. S. Satyamurti (Madras City: Non Muhammadan Urban): Sir, I rise to move:

"That the demand under the head 'Executive Council' be reduced to Re. 1."

Sir, I want to begin by submitting to the House that the constitutional significance of this cut motion is that we want to refuse supplies to the Executive Council. Unfortunately for us, the bulk of that demand is, so far as their salaries are concerned, non-voted, but, to the extent to which this House can constitutionally express its dissatisfaction with the work of the Executive Council today, I want the House to support this motion, and to refuse supplies to the Executive Council. It merely seeks to express the idea that we – I am speaking of the organised non-official Parties in the Assembly, excepting perhaps the European Group, although I shall watch with interest their attitude on this motion, "very interesting". I hope, – and we want to express the opinion that we have no confidence in this Government. (Hear, hear) Sir, if this vote is carried by this House, and if then the Government be responsible, they ought to resign; but, since I know they are not responsible, I merely want that they should at least reform themselves, if they can.

.....

Sir Cowasji Jehangir:.........I see in it no real solid foundation.

An Honourable Member: We are sorry for you.

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): Sir, I have no doubt that after my Honourable friend, the Deputy Leader of the Independent Party, has made his speech and explained his position, his conscience is clear. Sir, he is a businessman, and, therefore, I can quite understand his point of view, but we are in this Legislature *vis-a-vis* the constitutional position of the Government as well as of the Opposition, and let us — get to the realities — not a business deal — what are we here for, and what is the Government here for?

Sir, we know perfectly well that we are censuring the Government of India in the form in which we propose to do it, namely, a vote of censure by means of withdrawing supplies. From whom are we withdrawing these supplies? Not from the executive, not from the Honourable Members who sit here, but from the Government; and what is the Government of India? Not merely the executive; they are only the agents; the Government of India means the Governor General in Council, the Secretary of State for India, and Parliament, that is ultimately responsible to this country; therefore, let us really get to that real issue before us: Now, if I am right in my position, that we have got to express our views as to what we feel, what we think as to the policy of the Government of India, as I have described it, undoubtedly this Constitution is one which is a very anomalous constitution: ; it is not a full-fledged Parliament, far from it; I have always said over and over again that the position of the elected Members in this House is purely that of influencing the Government, advising the Government. But, Sir, when we have failed in any influence being felt, when we have failed in every advice that we have given, and when we have exhausted every avenue, every channel, and, at the end of the year, we stand *vis-a-vis* the Government as Opposition, have we not got to give our verdict? What is going to be the verdict of this House? It is said: "Oh! make a token cut". I cannot understand this coming from the spokesmen of the European Group. There, again, it is a purely business mind that cannot understand this large issue that is involved and implied by this motion when they suggest a "token cut", but say let us examine the most extraordinarily Constitution that we are working under. Let us examine this. If I am dissatisfied with the amount of the grant and I think that it ought to be reduced, because it is excessive on the ground of economy, then naturally my proper course is to say instead of ten lakhs, it should be nine lakhs, and I can then try and satisfy the Government that this is an excessive amount. Well then I make the motion that it be reduced by one lakh on the ground of economy, on the ground that it is excessive. That is one method. If I have any specific grievance with regard to any particular Department in relation to the administration of one specific item, then I raise that issue, and I say that I move a cut of Rs.100 as token cut, in order to raise that issue with regard to that one specific matter. But this is neither the one, nor the other. I am not taking up my stand that I want this amount to be reduced, because it is excessive. I am not taking up my stand that I have got one specific grievance with regard to any administrative action of the Government, but my grievance is this, that the policy of the Government in every Department and the policy of the Government generally — when I say the policy of the Government, I mean the policy of the Government of India as I have defined — is one which compels me to resort to this very last course, namely, refusal of supplies. (Hear, hear) (Applause)

Now, it is, I admit, so far as this House is concerned and so far as this Legislature is concerned, it is a fiction, a pure fiction, I admit. But it is by means of this fiction alone that I can show to Great Britain and the British Parliament the displeasure of the House. (Applause) Now, Sir, whether I am justified or not depends upon the facts. What are the facts? Let us take every department, let us take the British Parliament, let us take the Secretary of State for India. Is there – and I would be extremely grateful and I would stand corrected – is there one single first class issue, not the details – I do not care whether you treat me rudely or respectfully when I am asking questions. I do not care whether you answer these questions or not, that is a matter of indifference to me, that is nothing – and many other matters of details do not matter – is there one single first class issue on which the Government have not or acceded to the wishes of the Opposition? Will the Honourable Members who represent here the Government of India point out any such case or cases – and these are the only Members we can get hold of as accused in the dock and who are within our jurisdiction (Hear, hear) that we can deal with, I cannot bring the Parliament here, I cannot bring the Secretary of State for India here – I ask the Honourable Members sitting on the Treasury Benches who are on their defence to satisfy me and tell me whether, on any one single issue of first class importance, they met the wishes of this House. (Hear, hear) Point that out to me, and I shall stand corrected.

The Honourable Sir Henry Craik (Home Member): Banning of Miss Mayo's book. (Laughter)

Mr. M. A. Jinnah: Well, if I were the spokesman of the Government, I shall be ashamed of pointing out that instance (Hear, hear) as meeting the issue that I am raising. It shows that the Honourable Member has got no sense of proportion at all (Hear, hear) – that is all I can say. Please try and understand; if Government are not prepared to meet us or cannot do it, if you are helpless – I know the executive are helpless, I know that perfectly well, please try and understand my point and if you do not wish to do it or cannot do it, then we understand where we stand, but do not give silly excuses. I was going to say, Sir, therefore, how am I to show my displeasure at this Government? What is the method open to me to show this that I want to show? There is not a single Department – take the Army, take the Finance, the Commerce, the Industries and Labour, the Railways, there is not one Department, I venture to say, that has met the wishes of this House on any first class issue. But, then, it is said: "Oh! these Congress Benches are really most irreconcilable. It is so difficult for us to meet their wishes." What my Honourable friend, the Leader of the House, over there, meant when he said — I am putting it politely — that two and two never make four with the Congress, that means they are very difficult to meet. Well, it is no use putting forward that argument. Sir, in one breath it is said that the Congress is impossible, in another breath it is said that my Honourable friend, Sir Cowasji Jehangir, is not reasonable when he says anything not palatable to Government, again when another section of the House says anything, which does not suit the wishes or the interests of Government they are quite wrong. Then, Sir, it seems to me that there is nobody in this country, there is no section which is right — we are all wrong in the eyes of Government. Can't you find anybody in this country that may be in the right? Have you met the wishes of anybody in this country? (Hear, hear)

I do not wish to take up the time of the House, and I say, Sir, that I shall be perfectly justified in supporting this cut motion, (Hear, hear) and that is the only way in which this House can express its displeasure with the Government of India. (Applause)

Mr. M. Asaf Ali: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): This is a very important debate, and the Chair cannot stifle discussion by accepting the closure.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I was really very pleased when I heard this morning my Honourable friend, Mr. Satyamurti, on this cut motion.... I noticed in the arguments which my

Honourable friend advanced this morning and in the arguments which have been advanced this afternoon by the Honourable and learned Leader of the Independent Party. Sir, there is a great deal of difference in the view of the two. The Leader of the Independent Party wants to refuse supplies on political grounds, and he said that he would not enumerate the grievances, he or the country felt, as he has none against the individual Members of the Government, while the Honourable the Mover of the cut motion gave a graphic description of these grievances. Taking these two speeches, I think I can say that the two parties do not see eye to eye on this matter except that they must join hands against somebody.

Mr. M. A. Jinnah: Sir, I may just point out to the Honourable Member that he is quite right. My reasons may be different, but the conclusion is the same.

Sir Muhammad Yamin Khan: I never said the conclusion is not the same. I say the reasons are absolutely different. And I have to consider the merits of the question on the grounds urged by the Honourable the Mover of the cut, and not on the grounds given by the Leader of the Independent Party.

Mr. S. Satyamurti: Sir, on a point of personal explanation. I accept all the grounds urged by the Leader of the Independent Party as my own. I wish I had stated them myself.

Sir Muhammad Yamin Khan: I am glad the Honourable Member accepts his defeat.

Mr. S. Satyamurti: No.

Sir Muhammad Yamin Khan: If he says that he accepts the grounds put forward by the Leader of the Independent Party, which are not based on the grounds put forward by the Honourable the Mover, then his case is absolutely destroyed. If the Honourable the Mover had moved a hundred-rupee cut and then enumerated those grievances, he would have been all right. But when he wants to refuse all supplies, he should have given reasons why the Executive Council should not exist at all. If he wants.......

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should remember that Government will have to reply to the debate.

Sir Muhammad Yamin Khan: Yes, Sir, I will finish in time for them to reply.

Sir, I think in ventilating these grievances, it would have been more proper for the Honourable Member to have moved a cut of Rs.100. But when he wants to refuse all supplies, I do not think he can get the support of the House. And, then, my Honourable friend, Mr. Jinnah, came to his rescue by putting up a different case on political grounds saying that because this Executive Council is really subordinate to the Secretary of State, therefore it must be taken as a censure on the whole Government including the Secretary of State. A hundred-rupee cut would have served the purpose. This entire refusal of supplies will create no impression on those who really guide the destinies of the country. By carrying this, the House will not enhance their value or do any good. They may create some sensation in the country, but it will do no good to the country. Sir, I am unable to support this motion.

. . . . .

The Honourable Sir Nripendra Sircar:.........I cannot help it, as now, I am coming to the man who dealt with the matter seriously. So far as I have been dealing with Mr. Satyamurti, and I was compelled to adopt a style called forth by his incoherent and wild abuse. Now, my friend, Mr. Jinnah, I think, put a question. — I am not quoting his exact words, — and asked: Will you show me any single major issue.....

Mr. M. A. Jinnah: First class issue.

The Honourable Sir Nripendra Sircar:.....first class issue on which you have accepted the verdict of this House? I think that is the purport, I may not be accurate. I don't mean to say that, whatever views the House has urged, Government have accepted them in their entirety, but the question is, whether, on any first class or major issue, the view of this House has been accepted by the Government. Speaking off-hand, I venture to give a few examples. I will take, for instance, the recent legislation, — when I say recent legislation, I am referring to legislation which has taken place during the last seven or eight years, — relating to factories, legislation relating to labour, mines, and so on, which affects the destinies of tens of thousands of workmen, labourers, industrialists. There, Sir, the views of this House were, I understand, generally speaking, accepted by the Government. Of course, the House is not expected to be unanimous on every question that comes up before it. Then, take another case, a very important matter of "indiscriminate protection", which was perhaps the slip of my friend, the correct expression being, I understand, "discrimination protection". That has been the view of this House, and whatever the personal view of any Member, who occupies the post of Executive Councillor, may be, the fact remains, that the principle has been adopted in this country, is due mainly to the influence of this House and to the views expressed in this House. If I may give smaller instances, — I won't say they are of first class importance in the sense in which my friend used an expression, even in smaller things like removal of income-tax from incomes....

Mr. M. A. Jinnah: I am not disputing that there are very many matters relating to administration on which Government have, from time to time, tried to meet the wishes of this House. That was not my point. What I meant by first class issues was I meant issues which involved big policies, big principles. That is what I meant.

The Honourable Sir Nripendra Sircar: I do not think I misunderstood my friend. I still think, with all respect to my friend, the question of discriminating protection is a big issue, it is a major issue, and a first class issue. It involved big policy, big principle. It is not a minor issue.....

The Legislative Assembly Debates, 1936,
Vol: III pp. 2227-29, 2248-52, 2258.

58

Speech in the Central Legislative Assembly on the 'Defence Policy of the Government of India', New Delhi, March 11, 1936.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That a sum not exceeding Rs. 4,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of the 'Defence Department'."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:......

Defence Policy of the Government of India.

Mr. K.L. Gauba: Sir, I move:

"That the demand under the head 'Defence Department' be reduced to Re. 1".

Sir, I deem it an honour to sponsor the main cut of the Independent Party on this budget. It might be asked why the Independent Party have for several years in succession sponsored a cut relating to defence? One might equally ask why the Military Junta, represented by my friend, the Army Secretary, year after year, raids the Central Revenues to the extent of 50 per cent.? One might equally ask why the grievances voiced in this House year after year pertaining to Indianisation, the excess of expenditure and various other matters are not put right by the Defence Department? This year there are several reasons in particular—and I shall briefly indicate them—why this cut should be considered by the House as more important than ever. *Firstly*, we have had the retrenchment of the war block in which several Indian King's Commissioned Officers have left or have been removed from the effective services in the Army. *Secondly*, we have had an amazing revelation made by His Excellency the Commander-in-Chief at the Indian Military Academy, Dehra Dun, that the right material for the Academy is not forthcoming. *Thirdly*, we have an excess in the military budget and indications that the military budget of the future will even exceed the proportions and limits which it has reached today. *Fourthly*, we have had the employment of Indian troops on Imperial ventures during the year without the sanction of the Indian Legislature. *Fifthly*, we have continued extravagance in almost every department of the Army. *Sixthly* we had the refusal of the Army Secretary the other day to agree to the Indianisation of Gurkha regiments. *Seventhly*, we had the use of troops against unarmed crowds last year and the refusal of Government to enquire into the circumstances and the extent of force used in each case. *Lastly*, we have the international situation and its bearing on the military budget and the burdens of the future......

Mr. G.R.F. Tottenham (Secretary, Defence Department): Could the Honourable Member refer me to the actual speech in which His Excellency the Commander-in-Chief is said to have made that statement?

Mr. K.L. Gauba: His Excellency the Commander-in-Chief made a statement at the Military Academy, and it was referred to in a question in this House.

Mr. M.S. Aney (Berar Representative): It was the late Commander-in-Chief.

Mr. K.L. Gauba: Yes, the late Commander-in-Chief.

Mr. G.R. F. Tottenham: I know perfectly well that the late Commander-in-Chief never said that the material at the Academy was not satisfactory; what he said was that the competition was unsatisfactory.

Mr. M. A. Jinnah (Bombay City" Muhammadan Urban): They know it.

Mr. K.L. Gauba: The Defence Secretary can now tell us whether he is satisfied with the quality of candidates at the Indian Military Academy and with the material forthcoming for the Academy.....

. . . . .

Captain Sardar Sher Muhammad Khan:........in India, with her population of 350 million, you can keep separate the truly fighting classes, as during the Hindu kingdom also there used to be Khatriyas, Rajputs, etc., and that is why here we must leave the martial classes absolutely separate, simply to fight, and you go on and run the mills or the railways and other civil administrations. Let us, therefore, carry on the army side, because we are the tested soldiers...

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): Do you include the British people also as martial classes? (Laughter)

Captain Sardar Sher Muhammad Khan: Well, they are not Indians......

Dr. G.V. Deshmukh:.......I oppose this grant and support the amendment.

Mr. M. A. Jinnah (Bombay City: Muhammadan

Urban): Sir, may I rise on a point of order? Formerly it was the practice that the Government Member used to give us a summary of what had been done in the course of the year on the budget speech: and very often it was the Commander-in-Chief. Since then, also the Secretary in the Army Department during his speech on the budget used to give us a resume of what had been done in the course of the year. I speak subject to correction, because I was not present here at the time of general discussion — no such thing has been done in this House up to the present moment, and I want to know whether it is the desire of the Government that we on this side should express our opinions first and then they should give a reply to our criticisms. Is it not fair that we should know something from them also before any debate, worth the name of a debate, can take place in this House?

Mr. G.R.F. Tottenham: May I say, Sir, that I am not aware of the practice, to which the Honourable Member refers, when he says that His Excellency the Commander-in-Chief or the Army Secretary used to give a summary of events that have taken place during the year in the course of the budget speeches. That was probably before my time.

Mr. M.S. Aney. That is a fact.

Mr. M. A. Jinnah: You may take it from me that that is so.

Mr. G.R.F. Tottenham: Last year, I intervened in the debate at an earlier stage, and I am prepared to do so, now, if Honourable Members wish.

Mr. M. A. Jinnah: Yes, I do wish it and I am sure the House would welcome it. I was speaking for myself.

Mr. G.R.F. Tottenham: I would also say that, even if we have not given in a speech a summary of events during the year, we do now publish and place in the hands of Honourable

Members a written summary of the important events that have taken place during the year, and that has already been placed in the hands of Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to speak now? Does any other Member of Government wish to speak now? The Chair takes it that the Defence Secretary will reply to the debate.

The Honourable Sir Nripendra Sircar (Leader of the House): Yes, he will reply to the debate.

Mr. G.R.F. Tottenham: I am quite prepared to reply to the debate now.

Several Honourable Member from the Opposition Benches: No, no, not now.

Mr. M. A. Jinnah: No, no, you cannot make the final reply. If the Government really wish to take up the position that they must have the last word, then, Sir there is no debate in this House at all.

Mr. President: (The Honourable Sir Abdur Rahim): The Chair cannot force any Honourable Member to speak on the debate, Government have certainly a right of reply. If any Honourable Member representing Government wishes to take part in the debate at this stage, certainly he will be allowed to do so.

(At this stage, Sir Muhammad Yamin Khan rose to address the House).

Mr. S. Satyamurti and other Honourable Members of the Opposition: Sir Muhammad Yamin Khan does not represent the Government. He cannot address the House.

Mr. M. A. Jinnah: Sir, I am in possession of the House. I raised the point of order, and I take it that the Government do not wish to take part in the debate at this stage, but would resort to the last word. If that is so, then I would avail myself of your permission to speak.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot ask the Honourable Member to reply, because it has considered all the rulings on the point and has come to the conclusion that the practice of treating this as an amendment is a right one, and, therefore, the Chair cannot allow the Honourble Member to make the final reply.

Mr. M. A. Jinnah: The motion is moved by the Honourable the Finance Member. He asks for the grant on behalf of the Government. That is the motion. To that motion, an amendment is moved. Therefore, the only Member who is entitled to reply is the Mover of the motion, and that is the Finance Member. Any other Member, whether on the Government Bench or on the Opposition Bench, I say, Sir, with great respect, can only take part in the debate. That has been the practice all along. There is no question about it. The Mover of the motion is the Finance Member, the Mover of the amendment is my friend, Mr. Gauba. Then, it is open to any other Honourable Member to participate in the debate as a Member, but one would have expected that the Government would put up their spokesman to place their case at an early stage of the debate. As the position stands, this is all one-sided expression of views, and I don't think it is fair or it is even regular.

An Honourable Member: There is no fairness.

Mr. M. A. Jinnah: As regards the fairness, I cannot pronounce an opinion on it. Apparently, there is only one Honourable Member who is in a position to speak on this subject, and that is the Defence Secretary. The debate now is on the amendment to the motion moved by the Honourable the Finance Member, and, so far as this debate is concerned, I will allow the Defence Secretary to reply, but I do point out that it is extremely desirable that some other Member of Government, if possible, should intervene in the debate and state the Government case so that other Honourable Members may reply.

(Again, at this stage, Sir Muhammad Yamin Khan stood up to speak).

Honourable Members of the Opposition: You are not a Member of the Government. You cannot speak now.

Mr. President: (The Honourable Sir Abdur Rahim: Does Mr. Jinnah want to speak now?

Mr. M. A. Jinnah: Yes, certainly, Sir. Only I wanted to make the position quite clear. (Applause from the Opposition Benches.)

Sir, I enter my most emphatic protest against the attitude that the Government have adopted in this matter. I think, Sir, it is this sort of attitude which reduces this Legislature to an absolute farce. ("hear, hear" from Opposition Benches.) Just imagine, Sir, speaker after speaker has put the case from the Opposition Benches. We are told there is only one man on the Treasury Benches who has got the entire store of knowledge with regard to the army, and nobody else. Sir, I can quite understand the Defence Secretary taking part in the debate and if any new points are raised by speakers thereafter in the debate, surely some other Member of the Government should be competent enough to reply to those points. Really, Sir, I msut enter my most emphatic protest against this practice, because this is really getting worse and worse. I shall not say anything more now. Let me get to my speech, because I have got very limited time.

Sir, this question has been debated on the floor of this House for many years now and I am one of those who had taken some part in the debates on previous occasions on this subject.

The position, when boiled down, comes to this. The policy of the Government is that the army in India is a garrison, and it shall remain a garrison, that the British Raj is the occupation of India, supported by a garrison. We on this side desire that that occupation should cease and the army should be truly national and peoples' army.

An Honourable Member: The British will then have to pack off.

Mr. M. A. Jinnah: These are two opposite policies, they are like poles asunder. How is it then possible for us to meet the Treasury Bench or for the Treasury Bench to meet us? I have felt that it is useless, it is hopeless to argue on the floor of this House, because, when, after years and years of struggle, we have forced them morally, when they have exhausted every plausible excuse, they make some sort of a declaration of policy similar to the one which we heard the other day, that the British Government is solemnly pledged that the ultimate goal of India is Dominion Status and responsible Government. So, in this matter, the ultimate goal is the Indianisation of the army, the ultimate goal is that the occupation will cease and the garrison will be nationalised army. That is the ultimate goal. Well, some of us are pleased and say: "We are on the right lines, Oh, we shall get something". We have taken the horse to water, but he does not drink. What are we to do? Sir, I have said over and again, and repeat again before this House, that the total number of vacancies per year, so far as the officer rank in the Indian Army is concerned, is about 120. It was with the greatest difficulty that we were able to induce Government to give some sort of a number at the Round Table Conference, and it is round about 120. Now, I ask the Treasury Bench, and I ask you, Sir, can't we give 120 youngmen from amongst a population of three hundred and fifty millions of our countrymen? We are told that suitable material is not forthcoming. But mind you, 120 vacancies are not all allotted to us. That is the total number we are recruiting. I don't think it is one third even that is assigned to Indians. Therefore, it means about 30 at the utmost.

Mr. G.R.F. Tottenham: 60 a year.

Mr. M. A. Jinnah: Of course, I stand corrected, but I am not really sure that that is the correct figure.

Mr. G.R.F. Tottenham: There are sixty candidates taken every year into the Indian Military Academy, and about sixty cadets pass out every year.

Mr. M. A. Jinnah: I say, the number passed and admitted as King's Commissioned Officers — we want that number, and not the total number at the College. It means it is not the same. My Honourable friend has forgotten his finance. (To Honourable Sir James Grigg.)

The Honourable Sir James Grigg: I see all right. But he did not say what you said he said.

Mr. M. A. Jinnah: I understand the Defence Secretary, but the Finance Member does not understand. He is out of it. The Defence Secretary and I understand. What the Defence Secretary means is this. We have got the full number at the College, 60, but, out of those 60, you see there is a course of 2 1/2 or 3 years, every year the number that actually obtains the Commission is about one-third.

Mr. G.R.F. Tottenham: The actual number that obtain commission every year is 60.

Mr. M. A. Jinnah: I beg your pardon. I say, I am not prepared, unless I am satisfied, I will not agree with that. I say, the total number of vacancies that occur in the course of year is 120, and I refuse to accept that out of 120, 60 Commissions are given to Indians every year. I refuse to accept that. If the Defence Secretary will quote to me the authority and the figures, then I shall consider whether he is right or not.

Mr. G.R.F. Tottenham: I can explain the position.

Mr. M. A. Jinnah: I do not want his explanation. (Laughter) I want a straight answer to a straight question. Does the Defence Secretary say that last year 60 Commissioned Officer passed and were given their Commissions in the army — *Indians*?

Mr. G.R.F. Tottenham: Yes.

Mr. M. A. Jinnah: I still say no. I do not believe that unless I see the record. It is impossible to believe that.

Mr. S. Satyamurti: Are Viceroy's Commissions included?

Mr. M. A. Jinnah: That may be so.

Mr. G.R.F. Tottenham: If I may say so, where the Honourable Member has gone wrong is in saying that the total number of vacancies is 120. The total number of vacancies for the Indian Army at present may be 120. The Indian army, as he is aware, consists of infantry and cavalry only. The programme of Indianisation now in the course of progress includes other arms, artillery, engineers, and so on, which hitherto have been parts of the British Army. Therefore, the requirements for our Indianising division are greater proportionately than they would be if it was a purely infantry and cavalry formation.

Mr. M. A. Jinnah: Now, I understand. I was talking of Sandhurst; I was not talking of anything else. I was talking purely of Sandhurst, and I repeat again, and I say, unless my memory betrays me, — I say and I have no doubt with regard to the statement that I am making, that the total vacancies for Sandhurst — I repeat that again, — we found after great difficulty, were 120, and the number allotted to Indians every year that will obtain the King's Commission is not even one-third of it, I repeat that again, that is my point. But this is merely going away from the real point. The real point is this.

Take 60 if you like, take 100, take 120. My point remains, I refuse to believe this, only the man, who believes that is fit to be in the lunatic asylum, – to say that India cannot give you 120 men fit to have the King's Commission out of 350 millions, I cannot believe, it is impossible for me to believe it. What happens? We have now got the horse to the water. The horse does not want to drink. (Laughter) Put a little whisky. (Laughter) Rub his nose. (Laughter) Therefore, we are merely beating the air. The policy is fundamentally different – their policy and ours. For the fist time we heard on high authority from the *ex-Commander-in-Chief* that suitable materials were not forthcoming, the national leaders of the country were not forthcoming to take the responsibility of the defence of the country – men who ought to be in the army. That is one accusation. The other accusation is, an insinuation is made that the martial classes – we have committed ourselves to give them a fairly large number – are such a poor material that really it is not satisfactory. It is in order to set up the non-martial classes against the martial classes, and my Honourable friend, Mr. Gauba, happened to make that statement *bona fide*, with a *bona fide* impression. That perhaps is the real reasons, and he quotes it, because it is put into his mouth by a high authority. Up jumps my Honourable friend there – Captain Sher Muhammad Khan, – and protests against it, and, on that ground, says that he will not support this motion. Sir, that is the old game. If there is no class, they create a class; if there is a class; they keep them separate and divide them. They give us enough work to go for each other, and fight against each other, and the Treasury Bench is quite happy. I appeal to my Honourable friends on the Opposition Bench. It is the Government's policy, we know it. The Englishman does not say it in so many words. That is his great characteristic. He understands what he is doing, he does not want to tell you what he is doing. It is for you to understand what he is doing and find a remedy. Let us also search our own hearts. My Honourable friend, Mr. Gadgil, made a splendid speech, but he wound up with the fervour of the Mahrattas. Where do I come in?

An Honourable Member: You are a Mahratta. You live in Western India.

Mr. M. A. Jinnah: Unfortunately I am not. Where do I come in? The Mahrattas to rule India. Let us also search our own hearts? Let us also analyse our own weaknesses, our own faults, and create that sanction behind, that the Treasury Bench may understand your language also. But unfortunately that is wanting at present. May I also tell the Treasury Bench that the more you go on with this policy – it may be, temporarily, provisionally you are scoring, but you are making a great mistake, the greatest mistake. If you really wish to remain friends with India – there is a long way yet – if you really think of the future, I appeal to you, if my appeal can be of any value to you, don't treat India like this. Be honest and straightforward in your policy. If you wish to Indianise the army, if you want to Indianise the officer rank, believe me, you can do it, and there is no obstacle in your way, unless you want to make excuses. It is for you to decide, but I have no misgivings that at the present moment you do not wish it. That is not your policy and you want to make every possible excuse that you can and try to put us off the scent. Do it if you want to do it.

Then, with regard to the British troops, it was said, if I remember rightly, at the Round Table Conference, that the British troops must be reduced gradually, and again there is an admission that they must be reduced or that they may be removed altogether in course of time, *but gradually*. Who is to decide what is the meaning of "Gradually"? After that pronouncement of policy in the Round Table Conference by His Majesty's Government, – they were a party to it – I was horrified to hear a pronouncement made by the Commander-in-Chief that it was impossible to reduce or do away with any portion of the British troops. I hope I am not misquoting.

Mr. G.R.F Tottenham: He never made such a statement.

Mr. M. A. Jinnah: Not a violent statement. He politely told the Council of State that it cannot be done.

Mr. G.R.F. Tottenham: He said that it cannot be done immediately.

Mr. M. A. Jinnah: That is it. That is exactly what I said – gradually. I understand your language perfectly, but the misfortune is that my countrymen do not understand your language. That is my misfortune. I have said enough to show where we stand. It is up to us to do the needful. Let me appeal to you, my countrymen, and say that it is in your hands. Can you do it? If you can unite, it will be done.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, it is no use avoiding the issue or ignoring the facts. It is an admitted fact that in this country there is nobody who agreed with the military policy of the Government. The military policy, which has been pursued by the Government, had been criticised ever since the present Reforms came into existence, and Government have been sleeping on the demands which have been consistently made every year on the floor of the House for the Indianisation of the Indian Army. In 1923, I had moved a Resolution that all future recruitment of British officers for the Indian Army should be stopped and the officers in the Indian regiments should be recruited from amongst Indians. When I move that Resolution, it was about five in the afternoon, and, after I had moved that Resolution, the debate was adjourned for about a week or so. Next day, the then Commander-in-Cheif, the late Lord Rawlinson, came with his suggestion which acted like a bolt from the blue. He announced that eight Indian units would be

Indianised at once, and the result was that the House, which was with me in the morning, left me, and I had only 16 votes left with me. They wanted me to withdraw, but I did not withdraw, because I knew that there would come a day when I would stand justified.

An Honourable Member: You have grown wiser since then?

Sir Muhammad Yamin Khan: Shut up please. Those Indianised units today are like the depressed classes and no officer of that regiment is feeling happy. I think, Sir, according to the policy which is being pursued by the Government in the matter of Indianisation, it will take not decades, but centuries to Indianise the whole of the Indian regiments. Leaving aside the British troops, what we wanted as a first step was that at least our own Indian regiments should have their own officers. When India can produce soldiers, when India can produce, as in the War, even good officers, when we had even Indian officers who were commanding British troops during the War, why should not Indians be given the chance to become officers? In the War, there were several cases when no British officer was left to guide the British troops, the Indian officers took the command and distinguished themselves. When we have known that even people from the ranks rose to great distinction, what is the justification for not giving us a proper chance to defend our own shores". I do not minimise the good work which has been done by the British officers in the Indian regiments, but whatever they might have done, they are not to be expected to continue to be officers of the Indian regiments simply because at one time they were very useful. An Indian can hold charge of a big province. An Indian not of the millowner class, to which my friend, Captain Sher Muhammad Khan, referred, even of the same class as my friend can go up to command an Indian regiment. People who started in the army with a low position, have risen to very high position. We have got an example in the Marshal of our Assembly who distinguished himself in many spheres. He stated with a very small position, and he rose to be a Captain with great distinction. There is no argument in the Government saying that recruits will come little by little or in a progressive manner, and that it cannot be done immediately. When my friend, Mr. Jinnah, asks "Cannot India produce 120 men who can take up positions as recruits for Sandhurst", Government come up and says "there are not sufficiently qualified people and that sufficient material is not forthcoming", it, who have been serving this country in the military sphere, the truly material classes, are not getting the King's Commission in sufficient numbers; this is not the time for you to get the principle accepted that those classes, whose profession was never to go into the military profession should be taken up as officers. That would be inconsistent, because, Sir the soldier, whoever he may be, like to be officered and to be commanded by a person who really belongs to his own class, the fighting and martial class, who can, in fact, prove himself to be as brave as he is. You must remember there are so many other difficulties. Thus, everyone knows that, so long as the caste system remains in this country, you are bound to have this result that there will be separate military castes. The martial and non-martial classes must exist as long as the caste system exists in this country: and, if that caste system is done away with, then and then alone will the martial classes disappear at once.......

Mr. M. A. Jinnah: May I know from the Honourable Member whether all the Mussalmans belong to the martial races?

Sir Muhammad Yamin Khan: There are many classes of people who cannot be called to belong to the martial classes among the Mussalmans I do not say that all the Mussalmans belong to the martial classes.

Mr. M. A. Jinnah: What class do I come from?

Sir Muhammad Yamin Khan: Sir, my Honourable friend, Mr. Jinnah asks me whether he belongs to the martial or non-marital class. The simple question is this: has anybody of Mr. Jinnah's class or of his community served as a soldier or not? If he tells me that there is a single soldier of his class in the army, then I would include him.....

Mr. M. A. Jinnah: One soldier will do, one soldier will do?

Sir Muhammad Yamin Khan: One good soldier will do. If my Honourable friend can furnish one man from out of his class as an ordinary soldier as a private, then he is entitled to make good in his profession and come up as a General, and I do not mind it, but the creation of Generals on paper won't do.....

.....

Sir Cowasji Jehangir: You take four lakhs from the amount provided for Quetta.

Mr. G.R.F. Tottenham: It would have no effect whatever on the defence budget proper. I wonder how Honourable Members give their votes today if I were to tell them that Government have no intention of restoring this cut, if it is passed.

Mr. M. A. Jinnah: We shall congratulate ourselves.

Mr. G.R.F. Tottenham: They may say that it would place them in a very unfair position, if Government were to resort to tactics of that kind. I do agree with a great many Honourable Members who have spoken today that we are discussing this matter in an air of unreality and it is in many ways an anomalous position. But I do wish to point out that the unfairness is not altogether on one side. There are other means open to Honourable Members for voicing their disapproval of particular aspects of defence policy. I do not think they can deny that their real object in moving a cut motion of this kind is to force the Governor General to use his special powers to restore the grant.

Mr. M. A. Jinnah: That is the intention.

Mr. G.R.F. Tottenham: That brings me to the first main point that I have to make. As various Honourable Members have said, year after year we have exactly the same discussion on general lines on this subject. Year after year, the same old arguments are trotted out, some true, some half true and some not true at all; and year after year, I am expected to get up and within the short space of half an hour to cover the whole range of the defence budget and incidentally to provide a target for the big guns opposite. I really do not quite see why I should do so.

Mr. M. A. Jinnah: Because you are paid to do it.

Mr. G.R.F. Tottenham: We never get down to any details in this discussion on army expenditure. We very seldom hear any really constructive criticism. I do not object to that so much, but I do say that this annual debate on policy serves very little purpose. I know, Sir, that Honourable Members may say: "That is not our fault. All we know about the army is that it costs a great deal too much and that it is being Indianised much too slowly. We do not know anything about the details of defence administration because you will not let us". That also is a contention which I should like to challenge today. I do say, that during the last four or five years, Honourable Members of this House have been given ample opportunities to learn a great deal about the details of defence administration. But, somehow, Honourable Members do not seem to trouble their heads very much about the details of defence administration from year's end to year's end; and then, just on one occasion, once a year, they concentrate their forces, they put down a verbal barrage of great intensity, they deliver a crushing blow and they cause the Viceroy to restore the cut: and then, Sir, they sink back into contented apathy for the rest of the year until the Budget Session comes round again.

An Honourable Member: What is the alternative? You go on in your usual way in spite of our protests.

Mr. M. A. Jinnah: Does the Honourable Member know that a non-official Member moved in the other House that a Committee should be appointed of both Houses but that the Commander-in-Chief turned it down.

Mr. S. Satyamurti: Even this year, we passed such a motion in this House.

Mr. G.R.F. Tottenham: I know such a motion was moved today in another place.

Sir Cowasji Jehangir: This very Session we passed a motion in this House for the appointment of a committee..

Mr. G.R.F. Tottenham: May I also remind Honourable Members that the arguments put forward in favour of appointing a Committee to advise the Government was that Honourable Members of this House at present do not know anything about defence and that they would like to learn?

Mr. M. A. Jinnah: Quite so.

Mr. G.R.F. Tottenham: That does not seem to be a very good argument in favour of a claim to give advice.

Mr. M. A. Jinnah: Otherwise we will never learn.

Mr. G.R.F. Tottenham: I may point out that Honourable Members could have learnt a good deal more about defence if only they had taken advantage of the opportunities offered to them.

Mr. M. A. Jinnah: If you like, we will go to a school to learn.

Mr. G.R.F. Tottenham: We laid before the Retrenchment Committee of this House the most detailed information on all subjects under the defence head. We have appointed Members of this House to be Members of the Military Accounts Committee which reports to the Public Accounts Committee. Our Financial Adviser has taken a great deal of trouble in preparing explanations on interesting subjects such as Military Engineer Services expenditure and administration, or on the working of our Ordnance Factories but the Members of the Military Accounts Committee, who have taken part in its proceedings, I am afraid, pay comparatively little attention to those interesting and complicated matters. They prefer to concentrate their attention on individual cases of financial irregularities. In addition to that we have issued, during the last few years, pamphlets and reports, many of them at the wish of this House; and we have been taking special steps recently to get into closer touch with the Press and to give them information on many controversial matters connected with Defence. All that work that we have been doing entails a great deal of labour and trouble for the staff of my Department whose fate is now hanging in the balance; and that, Sir, is the sort of atmosphere in which we have to work. I do suggest that we have some reason to complain on our side and some reason also not to take quite at their face value the protestations of certain Honourable Members who say that their one object is to learn more about Defence so that they may help instead of hinder the administration........Now, Sir, I think that between these conflicting points of view our present policy may before long be proved to have followed that middle course which is so often correct. If that policy can be given a reasonable chance of working itself out and, if there could be a respite from political criticism of it for a short time, — and after all, Sir, such political criticism must have a depressing effect upon the young men at the Academy itself, — I do think that, in course of time, the necessary educational adjustments will be made in this country, and from whatever source we get them we shall get the best men in India to fill our vacancies in the army. I may add that in a few years, I believe, these young officers who are now passing out from the Indian Military Academy will themselves form the best possible advertisement of our present policy.

Now, Sir, that is all that I have to say at the moment about the general policy of Indianisation. There are three further points that I must take up arising out of the speech of the Honourable the Mover of this motion. He said that we were getting rid of Indian officers in the war block in order to prevent them from commanding their battalions. He suggested, secondly, that we were turning Indian officers out of their regiments into departments, like the Indian Army Service Corps and so on, in order to prevent them from commanding British officers and British personnel; and he added, thirdly, that we were offering these Indian commissioned officers far too low a scale of pay. As regards the first, the war block. I can assure the House that the Honourable Member is not correct. We have had to choose out of the officers of a certain seniority in the army as many as four hundred, who had to be transferred to the unemployed list for no real fault of their own, but for reasons which have been explained before to the House: And if we have included in that number a small number of Indian officers, I can assure the House that that was done with no political bias whatever.

Mr. K.L. Gauba: Sir, on a point of personal explanation, I did not complain about the pay of the persons being retrenched on the war block. I complained of the pay of those persons who pass out of the Indian Military Academy.

. . . . .

Mr. G.R.F. Tottenham: That is what I was referring to. The pay of the cadets who come out from the Indian Military Academy is exactly the same as the pay of British officers serving in England.

Mr. K.L. Gauba: No, Sir, it is not.

Mr. G.R.F. Tottenham: It is of course a fact that British officers in the Indian Army get more and British officers of the British service serving in India receive more pay than they would if they were serving in England. But the pay of the Indian commissioned officer, coming out of the Indian Military Academy, is the same as that of the British officer serving with a British unit in England: and that, Sir, is a perfectly, fair basis on which to put their pay.

That, I think, is all I have to say at the moment about Indianisation. I should like, if I could, to have a talk with the Leader of the Independent Party on this subject and try to clear up the difficulty about the figures into which we got at the beginning of his speech. It is a complicated matter and I do not think I could explain it clearly here without a little more notice. But I should be very glad to have a discussion with him at some later date, if I can, and see if I can explain the position to him.

Mr. M. A. Jinnah: I may explain to the Honourable Member that I have understood his point, — of course not the exact figures, and so on. I am extremely obliged to him that he will give me the information, but I was thinking of the number which we fixed at the Round Table Conference, namely, how many vacancies there were from Sandhurst. Of course, now we have got an Indian Sandhurst as well as a British Sandhurst, and, therefore, my number related only to that and not to Woolwich or Cranwell.

Mr. G.R.F. Tottenham: I can understand that. The position is complicated by the fact that the Indian Army hitherto has contained only of officers who have come from Sandhurst, that is for infantry and cavalry, whereas, in the future, we hope it will contain other units of different arms. And also there is another point which I omitted to mention when I interrupted before, that the number of officers per battalion in future is to be on the British scale, that is to say, 28 officers per battalion as against only 12 at present, and that naturally would affect the total number required as compared with the present output from Sandhurst..... Since 1914, we have reduced the strength of the Army in India by some 60,000 fighting men, including some 20,000 British troops. We are still further reducing the number of British troops gradually as we proceed with the programme of Indianisation, which involves the formation of Indian artillery units in place of British.

Mr. M. A. Jinnah: At what rate?

Mr. G.R.F. Tottenham: Slow rate.

Mr. M. Asaf Ali: Are you mechanising the Indian units?

Mr. G.R.F. Tottenham: I may say a few words about that later. The point is, we are not today increasing the strength of the army by one single man, and the reason is — and I hope Honourable Member will reflect on this carefully — that India at present does not require such an increase.

The only other point I have to make on the general level of defence expenditure are to try and meet to some extent the arguments of the Honourable the Mover when he complained that there was no reason what ever why we should not return to pre-war levels of expenditure......

The Legislative Assembly Debates, 1936,
Vol: III, pp. 2310-11, 2322, 2330-44

59

Speech in the Central Legislative Assembly regarding the 'Repressive policy of the Home Department', New Delhi, March 12, 1936

Mr. President (The Honourable Sir Abdur Rahim): Now, it is the turn of the Nationalist Party to move their cut on the demand under the Home Department.

Mr. M.S. Aney: The demand has been moved, Sir, and I wish to move the motion that stands in my name, with your permission.

The President (The Honourable Sir Abdur Rahim): Which one is that?

Mr. M.S. Aney: It is on late list No. 3 at page 2 under demand No. 32, motion No.19.

Repressive Policy

Sir, I beg to move the motion that stands in my name, namely:

"That the demand under the head 'Home Department' be reduced by Rs.,100."

My object in moving this motion is to raise a discussion on the repressive policy that is pursued by the Government, and to censure them for the same. I moved a similar motion last year in this House, and, in so doing, I laid particular emphasis on the fact that there was a change in the political situation in the country and that change demanded a change in the policy of the Government also and that they should stop the policy of repression. I gave a good many reasons in support of my proposition......

.....

Mr. R.S. Sarma (Nominated: Non-Official): Mr. President, though this political bubble, namely, the frequent demand for the repeal of all repressive laws and release of all political prisoners has been pricked only a few days ago, as we pointed out by my friend, Sir Abdur Halim Ghuzanavi, when this House rejected Mr. B. Das's Bill. . . . .

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On a point of order, Sir, is the Honourable Member entitled to use the casting vote of the President, constantly as the vote of the House? You gave your vote merely for the *status quo*: your vote was not a political vote at all.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is perfectly right: the President is also a Member of the House, and, in that capacity, he gave his vote.

Mr. R.S. Sarma: Sir, when, on a previous occasion, last year, the opposition won a victory with the casting vote of the President the whole Opposition cheered, but on this occasion......

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is discussing the casting vote of the President.

Mr. R.S. Sarma: I was going to say that the speeches of that particular Member were frequently quoted on the floor of the House with approval, and, as such. I am entitled to say that your casitng vote on this occasion carried an implication far more important than the 66 votes cast in favour of Mr. Das's Bill. In spite of that, I am one of those. . . . .

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I understood that the casting vote was given by the Chair on the well-known principle of *status quo*, and not because you exercise your free judgment.

Mr. R.S. Sarma: Anyway, you said, Sir, that you gave it as a Member of the House.

Mr. M. A. Jinnah: Of course he is a Member of the House.

Mr. R.S. Sarma: He never expressed his opinion.......

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better come to the motion now.

Mr. R.S. Sarma: As I was saying, I most honestly welcome this cut motion, if for no other person than that it gives another opportunity for people like myself and Sir Abdul Halim Ghuzanvi (Laughter) — (because we are not as ignorant about these affairs as some of the Members opposite) — who have a much livelier appreciation of the dangers of this great monster of terrorism and subversive movements in Bengal — it gives us an opportunity once more to warn this House against the danger of acceding to this sentimental but dangerous demand frequently made for the release of all terrorists. . . . .

Mr. M. A. Jinnah: Who is asking for that?

Mr. R.S. Sarma: My friend, Dr. Banerjea, remarked yesterday and also today that I was a nominated Member: but I may say, Sir, that I have a greater representative character than my Honourable friend, because I know that I was nominated by the Government and I know my constituency; but if I remember aright, my friend got in because the nomination paper of his rival was declared invalid and his constituency did not even have the chance of exercising their franchise.

Dr. P.N. Banerjea (Calcutta Suburbs: Non-Muhammadan (Urban): That does not take away my representative capacity.

The Legislative Assembly Debates, 1936,
Vol: III, pp. 2347, 2408-9

60

Speech in the Central Legislative Assembly on the question of "Discrimination by Countries against Indians, New Delhi, March 13, 1936.

Mr. T.S. Avinashilingam Chettiar: Will Government state:

(a) what countries have discriminated against Indians;

(b) what steps they have taken against those countries which have discriminated against Indians;

(c) whether similar restrictions are placed upon the nationals of those countries in India;

(d) how many countries have prohibited employment of Indians in their services; and

(e) how many men belonging to those countries are in Government service in this country?

. . . .

Sir Girja Shankar Bajpai: I have answered in regard to countries within the British Empire with which I am primarily concerned. I think the Honourable the Foreign Secretary will be able to answer in regard to countries outside the British Empire.

Mr. S. Satyamurti: May I know if Government will be good enough to collect information with regard to the countries outside the British Empire where discrimination is practiced against Indians, of one kind or another?

Sir Aubrey Metcalfe: That information is already being collected in answer to another very voluminous question put down by another Honourable Member.

Mr. T. S. Avinashilingam Chettiar: Are Government aware that there are other States against whose nationals we cannot take any action, but as against whom other action can be taken, for instance, the boycott of Zanzibar cloves?

Sir Girja Shankar Bajpai: So far as the cloves question in Zanzibar is concerned, we discussed the matter fully in Simla, and I have answered a number of questions on that subject here. I am hoping that it will not be necessary to resort to retaliatory action, but that we shall have a settlement which is satisfactory and honourable to all the parties concerned.

Mr. M. A. Jinnah: May I know whether the Government of India have considered that they have any sanction that they can apply?

Sir Girja Shankar Bajpai: It depends: is my Honourable friend referring to Zanzibar or to other countries generally?

Mr. M. A. Jinnah: My question is this: I am using the word "sanctions" in the latest sense of its meaning; just as the sanctions are being applied against Italy as an aggressor, are the Government of India prepared to consider whether they can apply some sanctions to redress these grievances?

Sir Girja Shankar Bajpai: Well, my Honourable friend will appreciate the fact that the question of sanctions will depend upon the magnitude of the interests involved, and I can give him this assurance that, if Government come to the conclusion that in certain circumstance sanctions can be effectively enforced and that there is no other way of achieving the object, the question will undoubtedly be considered.

The Legislative Assembly Debates, 1936,
Vol: III pp. 2463, 2465-66

61

Speech in the Central Legislative Assemble on the motion to consider the 'Indian Finance Bill', New Delhi, March 16, 1936.

The Honourable Sir James Grigg (Finance Member); Sir, I beg to move:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rate of potage under the Indian Post Office Act 1898. and to fix rates of income-tax and super-tax, be taken into consideration.

This Bill, of course, as the House knows very well, represents the taxation part of the budget proposals. I have explained those proposals at great length in the budget speech.

. . . . .

Pandit Govind Ballabh Pant:........Thus on the one hand, we have got ample raw materials, and, on the other we have got ample man power to convert them into commodities which constitute wealth and real source of happiness and comfort of humanity; why is it that still we are starving. That we are progressively deteriorating, that our condition is so unenviable? Well. the answer is to be found in the unnatural state of our being a dairy farm for the upkeep and aggrandisement of the imperialist octopus which is represented by my friend opposite on those benches. It is because of its tentacles that extend to every part of this country which have been dug deep into the body and heart of every being in this country, that our blood has been sucked and squeezed.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Why do you allow it?

Pandit Govind Ballabh Pant: Do I? I would cut it to pieces today if it rested with me, and if I had the power which Mr. Jinnah possesses, I would have done wonder. (Applause)........

. . . . .

Lieut Colonel Sir Henry Gidney:........ Anyhow what will happen if the Government of India refuse to consider what I have asked? I have repeated just now, two things will happen. It asks the Anglo-Indian and the domiciled European to so adapt his standard of living as to come down to the level of the depressed classes.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I interrupt the Honourable Member for a minute? Why cannot the Honourable Member answer this question? What is it that he wants the Government to do in order to give effect to these words "shall have due regard"?

Lieut-Colone Sir Henry Gidney: I am coming to that. The other effect it will have will be to drive the Anglo-Indian community out of Railways and Telegraphs.......

. .

Sir Cowasji Jehangir: (Bombay City: Non-Muhammadan Urban): Mr. President, due to the constitution under which we work, the temptation to speak on all subjects, except the budget proper is great indeed. We have heard discourses and lectures on Socialism, communism, communalism, industrialism, capitalism.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): And birth control.

Sir Cowasji Jehangir:......and, as my Honourable fried reminds me, lastly on birth control. (Laughter.)

Now, Sir, I propose to devote my attention for a very few minutes to the budget proper........

.....

Mr. Amarendra Nath Chattopadhyaya:...........By the way, I should like to relate a story of my interview with one of the very old schools of officials of Bengal whom I met in 1922. He asked me, in that interview: "Why don't you like the British Government, have not the British Government given a better rule? Why are you annoyed with this Government ?" I asked him in return, "Would the people of England like to have a better government under the Germans?" He said "No". I asked him, again: "Whether British youths would allow themselves to be treated as inferior to the Germans in England if Germany conquered England?" He said: "No". Then I asked him: "Why you expected Indian youths to be satisfied with their position in India, and whether you would like England to be exploited by Germany?" He said: "No". Then I asked: "Whether you would like the British people to be deprived of the right of free speech, the press to be gagged, and associations banned by promulgation of Ordinances?" He said: "No." If he would not like these things, why should he expect Indians to like the British to be here indulging in these things and yet posing to be giving good Government.

Mr. M. A. Jinnah: Because Indians are willing.

Mr. Amarendra Nath Chattopadhyaya: Did not Indians accept the foreigners at their face value? Yes, they did.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): They were forced to accept them.

Mr. Amarendra Nath Chattopadhyaya: I do not know if they were forced to accept them; I think they willingly accepted.

Sir Muhammad Yakub: Otherwise, they would not have been here.

Mr. Amarendra Nath Chattopadhyaya: The other day, Sir James Grigg gave us a sermon on decent administration, purity of character and discipline.......

. . . . .

. **Mr. Amarendra Nath Chattopdhyaya:**.........Sir, in this way, if they have established power, what is it worth? If it is founded on vice, If it is founded on ignorance and misery, that power cannot stay.......

The Honourable Sir Nripendra Sircar (Leader of the House): Then why bother about it?

Mr. Amarendra Nath Chattopadhyaya: We want to correct it.

Mr. M. A. Jinnah: You want to continue the power?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should now conclude his speech.

Mr. Amarendra Nath Chattopadhyaya: I have many things to say .

Mr. President (The Honourable Sir Abdur Rahim): But time is limited.

The Legislative Assembly Debates, 1936,
Vol: III, pp. 2612,2638 &
Vol: IV, pp. 2771, 2845, 2861, 2863

62

Speech in the Central Legislative Assembly on the question regarding "Amendment of Standing Orders and Rules in the matter of privileges of Members of the Legislative Assembly," New Delhi, March 20, 1936.

Sardar Sant Singh: With reference to the ruling of the Honourable the President in the matter of making of motions regarding the privileges of the Members of the Assembly, will the Honourable the Leader of the House be pleased to state if any action is proposed to be taken on the lines suggested by the Honourable the President in regard to the amendment of Standing Orders and Rules? If so, when does he propose to bring forward such amendments?

. . . . . .

Pandit Krishna Kant Malaviya: May I tell the Honourable the Law Member, that the speech, on which action has been taken, was printed at the Government of India Press? Have Government taken any action against the printer? I got the speech printed at the Government Press. Has any action been taken against the printer?

The Honourable Sir Nripendra Sircar: I have no knowledge of this particular case.

Pandit Krishna Kant Malaviya: I say, Sir, I got the speech printed at the Government Press. I paid for it. Are Government prepared to take any action against the printer of the Government of India Press?

The Honourable Sir Nripendra Sircar: Against the official publisher?

Pandit Krishna Kant Malaviya: I got copies of my speech printed at the Government of India Press for the purposes of distribution. Can any action be taken against the printer and publisher?

The Honourable Sir Nripendra Sircar: I am not aware that their speeches are published by the Government Press for private use.

Mr. M. A. Jinnah: The question is whether Government have taken any action against the printer who published his speech in the Government Press?

The Honourable Sir Nripendra Sircar: We cannot, because he is protected by section 67 of the Government of India Act.

Sir Cowasji Jehangir: The allegation is that the Press did job work for the Honourable Member. Can he then be prosecuted?

Pandit Krishna Kant Malaviya: I paid for the printing of my speech, and I got that printed at the Government of India Press. Can any action be taken against the printer?

The Honourable Sir Nripendra Sircar: If it has been clandestinely done by a printer, the matter will require investigation.

The Legislative Assembly Debates, 1936,
Vol: IV, pp. 2912, 2916.

63

Speech in the Central Legislative Assembly on the amendment motion regarding abolition of duty on salt in the Indian Finance Bill, New Delhi, March 20, 1936.

Pandit Nilakantha Das (Orissa Division: Non-

Muhammadan): Sir, I beg to move:

"That to clause 2 of the Bill the following be added at the end:

'and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if with effect from the 1st day of April, 1936, they remitted the duty to the extent of the said one rupee and four annas, and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I do not share in the anxiety to save this Government. If a revolution is to come about by the continuation of the salt tax, I think we ought to welcome it. (Laughter) If the power of Government is going to be destroyed by their deeds in Bengal and all over India, as my Honourable friend yesterday pointed out, then I do not want to correct them. Go on with your repression, go on with your salt duty; but, Sir, that is not my object, — to save the Government. Unfortunately we are here in this Legislature, and we are circumscribed within certain limits. This is not a new question, and I do not think I need assure my Honourable friends there that my anxiety is not any the less than theirs if any real relief can be given to the poor. But the difficulty that I have always found, — I have been in this Legislature for many years, and this question has cropped up every year, — the difficulty is that if you want to abolish the salt tax as a matter of principle on any grounds, — and there are many grounds for it, — then we have got to suggest an alternative. If we on this side of the House, as the Opposition, were to examine the budget critically and carefully and put forward a definite alternative to the budget, then I can understand our pressing Government and holding to our opinions and saying that the salt duty must be abolished. But, unfortunately, we have never been able to do that and no definite scheme has ever emerged from the Opposition Bench. I do not say that it is our obligation in the sense that we are obliged to do it; but remember the situation under which we are working; and, therefore, what we have to do is this. We have to show how we can also produce a balanced budget, and a better one than Government are doing. It may be that they may not accept it, but surely we shall then justify our position before the world and say that having shown this we are going to abolish the salt tax and let the Governor General certify it. That we have not been able to do yet. I know we cannot make a motion to appropriate revenues or the monies; that is not open to us within the four corners of the Constitution, but it is surely open to us to put forward a definite scheme and say: "Here this is what we want Government to do". If that is not taken care of in the next year, let me tell you, I shall be with the Honourable Members then and say: "Now, we have given you a chance, we will abolish the salt duty altogether and you can certify it if you like." I do not, therefore, want merely a sentimental sort of thing which you bring up and which fizzles out without clinching the thing as you should clinch it. Therefore, although I can support this amendment, I am not going, in case of a division, to walk into the Government lobby.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): But you have thrown out supplies demanded for the Defence Department, and most of it is non-votable. And that was eight crores....

Mr. M. A. Jinnah: Excuse me, that was not on the financial ground.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

That was not on the ground that we were suggesting another financial budget. That was merely, as I made it clear, a pure constitutional issue condemning the military policy of the Government.

Pandit Govind Ballabh Pant: But including extravagance.

Mr. M. A. Jinnah: I beg your pardon. The army grant was thrown out by us, not because we had no grievance with regard to that grant itself, but as a constitutional gesture. We say that the army policy of Government is so wrong that this is the only way in which we can show our disapproval. That has nothing to do with the budgetary position at all. I am now dealing with the budgetary proposals. Therefore, that is the position that I take up.

Further, I have always tried my best to understand, and I am open to conviction whether, if there is any reduction of the salt duty, it will really give any substantial relief to the poor men that we have in our minds. I really must honestly confess that I have not been satisfied that the reduction is going to give any substantial relief to the poor man. Therefore, I feel this, that neither are we going to help the poor man, nor are we in a position to suggest an alternative. And, working within the four corners of the Constitution, it will not be justifiable on my part to say to Government: "I have examined your budgetary proposals, and I want now to knock off eight crores or four crores, or even a crore and a half." I am not in a position to do that. At the same time, I do not subscribe to the soundness of the position of Government. And, therefore, my Party, after full consideration, have decided on this question that we cannot support the amendment, but we cannot support Government either.

Mr. M. S. Aney: (Berar Representative): Sir, the speech, which, my Honourable friend, Mr. Jinnah, has just made, has induced me to intervene in this debate. He has put forward two reasons for the attitude which he and his Party will take up. One is that those who have moved this cut have failed to put forward any alternative scheme for filling up the gap in the revenues which will be made by this amendment and without which he does not think it would be justifiable for us to demand a reduction of revenue to the tune of eight crores. At the same time he has told us that he does not think that the reduction of the salt duty will mean really any relief at all. I am unable to reconcile these two positions. If my Honourable friend thinks that a reduction of the salt duty will mean no relief to the poor at all, then the question of the entire abolition of the salt duty even....

Mr. M. A. Jinnah: I did not say it will give entirely or no relief at all. At present I am only speaking from what I am able to understand, and I am open to conviction; but I do say that at present I am not satisfied that a reduction of the salt duty will give any substantial relief to the poor man. That is my position.

Mr. M. S. Aney: I think I precisely understood my Honourable friend to mean what he has just said, that he is not yet convinced that a reduction of the salt duty will mean any substantial relief to the poor. That is the position and I accept that position. If that is so, how would he be justified in voting for the total abolition of the salt duty if there are alternative budgetary proposals put forward by the other Party?

Mr. M. A. Jinnah: I may not; but produce a scheme first.

Mr. M. S. Aney: If even in that case he is not going to vote for the abolition of the salt duty......

The Legislative Assembly Debates, 1936,
Vol: IV, pp. 2964, 2978-80.

64

Speech in the Central Legislative Assembly on the motion for amendment in the Indian Finance Bill (Schedule I) regarding Postcard Charges, New Delhi, March 20, 1936.

Mr. Sri Prakasa: Sir, I beg to move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single picture stamped postcards (sold by the Post Office)	-	Nine pies.
Single (Other than the above)	-	Six pies.
Reply	-	One anna'".

.......Now, Sir, the Post Office has introduced very pretty picture postcards. I rather like picture postcards;.....

Sir Cowasji Jehangir: Where are these picture postcards in the Schedule? Where are they in this Bill itself?

Mr. Sri Prakasa: When they are in actual fact in the post office, how does it matter if they are not in the Bill, they can easily be brought in it.

Mr. G. V. Bewoor: May I explain, Sir? I am afraid there has been some misunderstanding on the part of the Honourable Member. With regard to the picture postcards, we issued a Press Communique on the subject which apparently escaped his notice. The picture postcard has not been introduced by the Department as a regular part of its postal stationery. It is merely an attempt, by co-operation between two Departments of Government, to help in increasing traffic. We approached certain Railway Administrations and said to them: "If you would like to join us, we would have a few postcards printed with pictures representing something on your Railway and will place them for sale in post offices. We will benefit by selling a few more postcards than we might otherwise do, and you will get the publicity for important places which are situated on your Railway and thus encourage traffic". The North Western Railway very cordially came to our help. They paid for the cost of the block and of the printing and we undertook the distribution of the postcards, – a very small number, namely 100,000 postcards only have been printed, while our total sales are 200 million postcards.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What is the stamp on that?

Mr. G. V. Bewoor: It is the same, – the ordinary postage on a post-card, we do not charge anything extra; the extra cost of printing the picture is paid for by the North Western Railway.... It will then be open to the Department to say that the postage is two or three pice, as the case may be, and the cost of the picture is one pice or two pice, or three pice according to the picture is one pice or two pice, or three pice according to the nature of the work, the colour, the picture, or the fine paper on which we print. Therefore, I hope the Honourable Member will agree to omit the entry "picture postcards" and just deal with the postage rate.

. . . . .

Mr. M. A. Jinnah: May I rise on a point of order? I understand what the Honourable the Mover's amendment wants is to substitute the Schedule, which only deals with the postcards, and not with the picture postcards. His amendment is – if you will look at it.

"Single picture stamped postcards sold by the Post Office.... Nine pies."

Well, these pictures on these postcards are not done by the Post Office except by arrangement with the Railways. I want to understand, if I am wrong does the Post Office actually produce, at their own cost, picture postcards and sell them at your cost?

Mr. G.V. Bewoor: As I stated, Sir, the cost of the picture is paid by the Railway but the cards are sold by the Post Office.

Mr. M. A. Jinnah: Perfectly true. Therefore, the Post Office has got no Department in which they produce picture postcards and sell them, – I do not know, Sir, how this amendment will fit in.

Mr. President (The Honourable Sir Abdur Rahim): The chair cannot say that the amendment is out of order, because the Post Office does sell picture postcards. If any Honourable Member thinks that this ought not to be in the Schedule, then he can vote against it.

Mr. Sir Prakasa: If there is any technical defect, I would with your permission take out my first line, Sir. I fear people generally do not know that these picture postcards are sold by the Post Office. Probably Mr. Jinnah also does not know, otherwise he would rush to the Post Office and buy some.

Mr. M. A. Jinnah: My point is this: the Post Office has yet not established any Department for preparing or printing picture postcards and selling them on their own account. What they have done is that the Railways have paid for the making of these picture postcards which they sell on their account.

Mr. Sri Prakasa: Am I to understand that the Post Office sends these postcards to the Railway, who get them printed, or do the Post Office themselves print these picture postcards? I understand, that the Post Office themselves print these picture postcards and charge the Railway for the extra cost of printing those postcards.

Mr. M. A. Jinnah: They are paid for by the Railway.

Mr. Sri Prakasa: I am quite prepared to have these postcards paid for by ourselves and I am quite willing to pay an extra pice on each postcard. I do not want them only to get those pictures with which the Railways are concerned.

Mr. M. A. Jinnah: That is a new departure. Unless the Government of India agree to accept that, your amendment is futile.

Mr. Sri Prakasa: Most of our amendments are futile, I know. Here is a picture postcard. I have just got it for three pice only, I do not want the North Western Railway advertised on it. If the sense of the House, however, is that they do not want my suggestion regarding picture postcards, or that somehow or other it cannot be fitted in, I shall have no objection in taking that line off.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that now.

Mr. Sri Prakasa: I would suggest to the Post Office that they should put this wax-paper between the postcards if they want to continue this scheme.

Mr. M. A. Jinnah: I am rather anxious about it, Sir. How will you put it to the vote? If you put it all together, it will certainly create a serious difficulty?

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands the Honourable Member's point of order to be this: the Post Office does not manufacture these picture postcards, which are manufactured by a certain Railway. Well, that does not really affect the question whether this amendment is in order or not. It is quite open to the Honourable Member to move that if they sell any picture postcard, then the rate should be reduced....

Mr. Sri Prakasa: My proposal, Sir, is that, for every picture postcard there should be the same rate as now, but for the ordinary postcards the postage should be lower.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not make any change in the rate, the present rate?

Mr. Sri Prakasa: Not for the picture postcard.

Mr. M. A. Jinnah: How are you going to put it to the vote, Sir?

Mr. President (The Honourable Sir Abdur Rahim): The Chair will put the whole of it to the vote.

Mr. M. A. Jinnah: That does not give me the opportunity to vote on each item. I may agree to one part of the amendment and not to the other. If you put the whole thing to vote that deprives me of the opportunity of exercising my vote.

Mr. President (The Honourable Sir Abdur Rahim): There are other amendments which do not mention picture postcards.

Mr. M. A. Jinnah: Surely it is open to you to cut short the discussion instead of allowing the time to be wasted on this question.

.....

Sir Frank Noyce......it seems safe to assume that not more than 60 to 75 per cent. of postcards are sent by the rural population or by the poor man who is so often mentioned in this connection. My friend, Mr. Jinnah, in dealing with the salt tax said, that he must confess that he was not satisfied that the reduction in salt tax was going to give any substantial relief to the poor man. I can only hope that I have satisfied him at any rate that the reduction in the postcard rate is not going to give any substantial relief to the poor man.

Mr. M. A. Jinnah: It is just the other way.

Sir Cowasji Jehangir: Did the Honourable Member, say that 60 to 75 per cent. of the postcards were used by the rural population?

Mr. M. A. Jinnah: If that figure is correct, it is just the other way.

The Honourable Sir Frank Noyce: The figure is obviously an assumption. We have no means for distinguishing the number of postcards sent by the various elements of the community. I am dealing with the benefit per head per annum, and the net result is a benefit of about three quarters of a pie per head per annum by the reduction in the postcard rate......

.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir,......

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member had better begin after lunch....

Mr. M. A. Jinnah: I will not be very long: if you give me about ten minutes, that will be enough. Sir, I do not want to go into details at all. I want only to point out that this is not really a vote of censure. This is an amendment to the Bill, and, therefore, I do not think we need feel in any way that we are wounding or hurting the feelings of the Honourable Member in charge of the Department, or the Department itself. It is purely an amendment to the Bill, and, I am sure, that the Honourable Member understands that perfectly well....

The Honourable Sir Frank Noyce: I should like to explain to my Honourable friend that there is no question of my feelings in this matter — none whatever. I am as much open to attack as any other Member of this House on whichever side may sit.

Mr. M. A. Jinnah: I was only making it more clear, if possible, that this is not a vote of censure on the Government. Therefore, really we can discuss this in the best interests of those to whom we want to give relief, if we can. Now, the Honourable Member in charge has said, quoting my words, when I was speaking about the salt tax, that there will be no substantial relief give to the poor if you make this reduction in the price of the postcard. Well, I say with very great respect that I cannot agree with him there. I have given a little thought to this matter, and I have not the slightest doubt in my mind that, not only there will be a substantial relief to the poor, but it will be so direct and so definite that there can be no question at all about it. The poor man goes to the post office; instead of paying *nine pies*, he pays *six pies*: straightaway *three pies* remain in his pocket. As regards salt, when I expressed my difficulties and my doubts whether such a small relief as could possibly be given would actually reach the consumer of salt, my doubt was to a certain extent based on the ground that there is the middleman. Therefore, it filters down through various channels before it reaches the man to whom we want to give relief. But, in the case of postcard, it is direct and definite relief.

Then, the Honourable Member admits that 60 to 75 per cent of the people using postcards are really of the poor class. It is a very big number — not a small number; and if this relief can be given, then it should be given. Now, let us see whether that relief could be given. That is the next question. The Honourable the Finance Member no doubt has prepared his budget, and he has brought here definite proposals. But I am quite sure that between the Honourable the Finance Member and my friend, Sir Frank Noyce, if they put their heads together, they will find the money somehow from out of these very budget proposals. I do not wish to suggest that they should do this or they should do that. It has been suggested by various speakers, but I am quite sure that in this case the wholesome proverb might be followed – where there is a will, there is a way; and if the two Honourable Members in charge of these two Departments put their heads together, they can do it. As regards this loss of 50 lakhs, we do not know yet definitely – it is merely an estimate; but it has been suggested that the reduction in the price from nine pies to six pies would increase the number of postcards that will be used. To that extent it is possible that the revenue of the post offices may be compensated to a certain extent. It is very difficult to say how much it will be – it may be five lakhs or it may be ten lakhs; but at present it is in the dark. But surely there is one definite opinion that, if you follow the advice of this House and reduce the rates, there is the definite opinion that will increase the use of postcards, and, to that extent, your revenue will increase. That is one factor.

The other factor is – and I think the Honourable Member mentioned it himself – that we shall be in the throes of elections in this year; and taking the least number of candidates that will stand, if you put it down at the rate of Rs.100 per candidate.....

An Honourable Member: Much more.

Mr. M. A. Jinnah: I say that will be the least, then it will come to Rs. 60 lakhs. The number of candidates that will stand will be more than six thousand. Taking the total number of the seats which are available all over India, and taking four candidates for each seat, it will come to about that....

Honourable Members: Much more than that:

Mr. M. A. Jinnah: I am taking the least....

An Honourable Member: 10,000.

Mr. M. A. Jinnah: There, again, I am not in a position to say what extra profit or gain it will bring to the post office, but it is certainly a factor which must bring some substantial revenue to the post office. (interruption.) I think I said that each candidate would have to spend Rs.100: I am sorry if I made a mistake _ but I meant that each candidate will spend at least a thousand rupees on postage.

Mr. G.V. Bewoor: On postage alone?

Mr. M. A. Jinnah: Yes, on postage alone. I can give my Honourable friend my own account. On mere postcards, in my election, — I have never done anything more than merely sending a postcard and a reply card: and, even with the number of voters being only 4,000 to 5,000, my cost on postage in connection with the election came to about Rs. 300 to Rs.400 — on postage alone and that is, mind, you five thousand voters. The number of voters we shall have to approach now will be much greater.....

Mr. G.V. Bewoor: Most of them won't be able to read.

Mr. M. A. Jinnah: Now, the Honourable Member is going back on his old game. I am surprised. I was trying to persuade the Government with reasons. The Honourable Members' interruption is merely to put me off the point. I can meet that also, but not on this occasion. On this occasion, I want to reason with you, and please listen to my reason. I am only putting before you a factor. I am not now saying that so many lakhs you will lose or so many lakhs you will get, but I am putting before you a factor that will bring some gain to the postal Department this year.

Then, Sir, the next thing is this. It is also possible, and I want the Honourable Member to consider this, that the separation of Burma is sure as far as I can see, not this year, but the following year, and the loss which we are suffering now will not be there after the separation of Burma takes place.

Therefore, Sir, I do appeal to the Government that this is a matter on which they ought to meet the wishes of this House. Sir, I hope that they will not take it into their heads that, because we have made so many cuts, and, therefore, whether it is a good one or a bad one, whether it is supported by a definite strength or not, they must apply the bludgeon clause and certify the whole lot. I have made it quite clear, Sir, that we reduced the executive grant to Re.1 on the principle of refusal of supplies. That does not mean that I was trying to re-adjust or re-model the budget. It is purely a constitutional question based on constitutional principles. We have cut down the military grant by four lakhs, but that again was not done to re-adjust or re-model the budget, but it was done with a view to expressing our dissatisfaction and condemnation of the military policy as a whole. Therefore, Sir, when we come to the realm of budget and the Finance Bill, all that we have done is that we have passed a vote that the expenditure of Quetta should be transferred from revenue to capital. That is one thing we have done. The second thing we are going to do now is to reduce the price of the postcard. These are the two things that the House has decided with regard to your budgetary proposals. Now, I ask the Government, through you, Sir, whether they think that our proposals are so unreasonable. Do they think they are so monstrous that they ought to be certified? The other day, I said that the government had not met this House on any first class issue. I don't put this under the category of a first class issue. I don't. I make it quite clear, but this is also a very important matter on which administrative action is required on the part of the Government. This is in your hands, that is to say, in the hands of the Executive Council, and not in the hands of the Government of India, as I defined it. It is entirely in the hands of the Executive Council. Are you going to meet us? Are you going to show that you are amenable to reason and that you do meet the wishes of this House, and that this House can influence you? It is for you to decide and show it.

(The Assembly then adjourned for lunch).

. . . . .

Mr. G.V. Bewoor:......... On the postal side, however, we gave a cheaper letter of half tola which was expected to cost 27 lakhs of rupees, and this one-anna-half-tola letter was rightly expected to be a relief to the poor man as well as to the business and rich man. Therefore, the accusation made by Mr. Pant has no foundation at all.

Mr. Jinnah spoke of our revenue estimates and said that we have not made sufficient allowance in our estimates for the additional revenue that would accrue to us on account of the election. In the matter of the estimate made by Mr. Jinnah, one may differ. If this figures are to be taken, namely, Rs. 1,000 on postal and telegraph charges per candidate and if there are ten thousand candidates, the revenue would certainly increase by one crore of rupees. There are no reliable figures that I can get hold of just now but I doubt.....

Mr. M. A. Jinnah: What is your estimate?

Mr. G. V. Bewoor: We have allowed for an increase in revenue mainly under the book packet traffic. We anticipate that candidates would utilise the book packet post for sending round circulars asking voters to vote for them; and in that we have provided for an increase of about 14 per cent over the present book packet traffic.........It is entirely as a matter of sound economic or financial policy that we wish to impress upon the House that to embark upon this policy of subvention on any excuse whatsoever is a dangerous precedent.

Mr. M. A. Jinnah: Is any subvention given in Great Britain to the post office?

Mr. G. V. Bewoor: No, Sir; the post office in Great Britain is working at a profit of something like 12 million pounds per annum. There is no question of subvention.

.....

Mr. M. S. Aney (Berar Representative): Has the Honourable Member taken into consideration the growth of literacy also during this period?

Mr. G. V. Bewoor: Yes. We see the effect of increase of literacy year by year. It is not in one year that the increase in literacy has taken place. The principal point that I am now making is simply this; the estimate which we have made for purposes of calculation, if the postcard rate is reduced to half anna, is on the basis of no increase a loss of 61 lakhs, but if there is an increase of ten per cent or about 43 million postcards, the loss will be Rs.49 lakhs. After all, it is an estimate, but by no means the....

Mr. M. A. Jinnah: Very lowest.

Mr. G. V. Bewoor: I do think that if the highest increase we ever had was 28 millions in the pice postcard, we cannot expect a jump up by more than 43 millions.

There is one more point about the so-called poor man's postcard.......

.....

Mr. G. V. Bewoor:........ would counter by quoting another: "Patience and perseverance overcome mountains.: We on our side have persevered with this one object, and I ask the House to exercise patience on its part for a little time more.

Mr. M. A. Jinnah: May I point out to the Honourable Member that we have followed you so many years, and you may follow us this year, and then see who is right next year.

Mr. G. V. Bewoor: I am asking the Honourable Member to follow me for another year.

Mr. M. A. Jinnah: I am tired.

Mr. President (The Honourable Sir Abdur Rahim): The question is:.......

The Legislative Assembly Debates, 1936,
Vol:IV, pp. 2988-92, 3002, 3072-74, 3084-88.

65

Speech in the Central Legislative Assembly on the motion for adjournment regarding "Ban on Mr. Subhash Chandra Bose", New Delhi, March 23, 1936.

Mr. President (The Honourable Sir Abdur Rahim): There is another motion in the name of Pandit Nilakantha Das. The Honourable Member wants to move a motion for the adjournment of the House to discuss the following matter of urgent public importance, namely:

"The decision of the Government of India conveyed to Mr. Subash Chandra Bose through the British Consul at Vienna to the effect that Mr. Bose could not expect to remain at liberty if he returns to India.

Does the Honourable Member wish to move this motion?

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Yes.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection?

The Honourable Sir Henry Craik (Home Member): No.

. . . . .

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I move:

"That the Assembly do now adjourn."

Yesterday, the following news was published in the Press:

"In a letter to the *Daily Herald*, Mr. Subhash Chandra Bose states that he has received a letter from the British Consulate in Vienna saying that the Consulate received instructions from the Foreign Secretary to warn Mr. Bose that the Government of India had seen press statements that he proposed to return to India by March the 11th, and that the Government of India desire to make it clear to him that, should he do so, he could not expect to remain at liberty – *Reuter*."

On this, Sir, is my present motion. Mr. Subhash Chandra Bose requires no introduction in this House. He is one among the very few of the most prominent leaders of Indian nationalism, and practically the idol of the youth of our nation, and his case under this Government has been a very pathetic one. Some four years ago, he was taken away to be interned along with his brother, Mr. Sarat Chandra Bose. In prison, Mr. Subhash Chandra Bose got a very bad disease meaning danger to his life, and, for a long time, practically no care was taken of him. Then, somehow, he was allowed to go to Europe, as it was then given out, for his treatment.......

. . . . .

Mr. M.G. Hallett (Home Secretary)........My excuse for being here is that the Government do not wish to conceal the facts; they do not wish to conceal the reasons why they think that the return of Mr. Subhash Chandra Bose to India as a free man would be a menace to the peace and tranquillity, not merely of Bengal, but of India generally. We do not justify ourselves merely by any bald statement that it is in the public interest, but

I and the Honourable the Home Member hope to give reasons which, we trust, will convince some of the Members that there are very valid grounds for holding this view about Mr. Subhash Chandra Bose.

I must go back to rather early days, but I want to do it as quickly as possible, as I have not got much time before me, but we must judge a person's future activities by his past history. Mr. Subhash Chandra Bose, as the House knows, passed into the Service to which I have the honour to belong, but he left it because of non-co-operation. He left it to become a politician, not merely a politician, but a left-wing politician, and not merely a left-wing politician, but a revolutionary left-wing politician.... (An Honourable Member: "Question.").... who has been prepared to support methods of terrorism and who has also been prepared to support methods of militant mass revolution. We have facts and details to prove that statement. He came out here in 1920 or 1921 at the call of non-co-operation. He took part in that movement. He regarded that movement as a success, because it had converted the Congress from a constitutional and mainly talkative organisation into a revolutionary organisation. He was disgusted and he resented the calling off of the movement after the tragedy of Chauri Chaura. He was not the only person who resented the calling off of the movement. The terrorists in Bengal who, after the amnesty of 1920, had held their hands during the two years that the non-co-operation was going on, started in 1922 on a more drastic campaign of violence. However, I will not say much about those years. I pass on to the time when he was arrested under Regulation III in the year 1924, in the autumn of that year. His case was examined according to the methods which were described to this House by the Honourable the Home Member and by myself in the Council of State a few days ago — it was examined with great care, was examined by two Judges who gave it as their finding, that they were satisfied that there were reasonable grounds to believe that

Subhash was a member of a revolutionary conspiracy, and that, if at large, he would be a danger to the State, more particularly on account of his public position and his outstanding organising ability. I quite admit what the Honourable the Mover has said, namely, that he has great influence with the youth of the country. That is really the danger with Mr. Subhash Chandra Bose. I have looked up that record, and I am perfectly satisfied in my mind that there was full justification for the order. It is a detailed record, and there is no doubt that, during that year, 1923, he had been guilty, or he had been responsible for making inflammatory speeches and he stirred up the youths of Bengal.....

. . . . .

In May, 1933, to carry on my story, when Subhash Chandra Bose was living at Vienna, we intercepted a cyclostyled pamphlet. I have it here. The address on the wrapper is plainly in Bose's handwriting. The postmark is that of Vienna. It is called "India at the Cross-Roads" by "A Samyavadi". It contains the usual allegations about the repressive policy of Government, and so on. I do not propose to go into those, but it sums up the present situation in the country. The Congress, it says, has failed in its appeal to the Indian servants of the crown in India. No attempt has been made to win over the Indian army and the Indian police. They are still loyal to the present regime:

"It should always be remembered that a nationalist movement can succeed in paralysing a foreign government only when either or all of the following steps are taken:— The preveation of tax and revenue collection, the adoption of measures whereby help from other quarters — whether financial or military — may not reach the Government in times of distress."

What does that mean?

Mr. M.S. Aney: It means non-co-operation

The Honourable Sir Henry Craik: It means the cutting off of communications all over the country, and possibly the stopping, by some method, of troops coming from England:

"Thirdly winning over the sympathy and support of the present supporters of the British Government in India, that is of the Army, the Police and the subordinate Civil Servants, so that orders given by the Government for crushing the movement will not be carried out. Fourthly, actual attempt to seize power by force of arms."

Is that not violent revolution? Is that what the Honourable the Leader of the Opposition described as the ordinary methods by which the country is being prepared for a democratic constitution? I leave it to the House to judge. The pamphlet continued:

"The last step must be ruled out because the Congress is pledged to non-violence but it is nevertheless possible to paralyse the present administration and compel it to submit to our demands if we can adopt the following measures :— Prevent the collection of taxes and revenue; through labour and peasant organisation prevent all kinds of help from reaching the Government when they are in difficulty; and win the sympathy and support of the Government's own supporters by means of our superior propaganda. If these three measures are adopted, the Governmental machinery can be thrown out of gear."

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What is the date of that?

The Honourable Sir Henry Craik: This was intercepted in May, 1933. Well, I ask the House: Can you have a more definitely revolutionary pamphlet than that? It was sent to this country cyclostyled and not printed, and I claim that the Government, or any Government for the matter of that, would have acted with incredible folly if they had allowed a man of Bose's intellect – for he is admittedly a man of great intellect and great organising capacity – to enjoy his freedom and put such ideas into execution.

The Legislative Assembly Debates, 1936,
Vol: IV, pp. 3059-60, 3089, 3091, 3110-11.

66

Speech in the Central Legislative Assembly on the motion for amendment in the Indian Finance Bill (Schedule I), regarding Postal Charges on "Book, Pattern & Sample Packets", New Delhi, March 24, 1936.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Indian Finance Bill.

Mr. F. E. James (Madras: European): Sir, I beg to move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head '*Book, Pattern and Sample Packets*' the following be substituted:

'For a weight not exceeding two and a half tolas.	Six pies.
For a weight exceeding two and a half tolas, but not exceeding five tolas.	Nine pies.
For every additional five tolas, or fraction thereof in excess of five tolas.	Six pies'".

Mr. G.V. Bewoor (Director General, Posts and Telegraphs): However, I may assure the House that whether in the matter of building or in the matter of any extra expenditure we have to incur, or we are now incurring the question of economy is always considered. Our present expenditure in the budget has been framed on lines which I consider are still economic. Nothing can be more satisfactory to me, as the head of the Department, than to have more post offices, longer hours of work, more deliveries on holidays and cheaper rates. But in this matter, we must always see what it is going to cost. We must cut our coat according to our cloth. People who ask us to open more post offices should not forget that it means expenditure. We are fully aware.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Will you accept the cut that has been made with regard to postcards?

Mr. G. V. Bewoor: That is not a matter with which we are dealing now.

Mr. M. A. Jinnah: The Honourable Member said, "Do not make further cuts". That means, will you accept the cut already made with regard to postcards. It may influence me to a very great extent as to how I should vote on this cut. If the Honourable Member will give me an assurance that the Government are prepared to accept the cut that we have made with regard to postcards, I shall consider how I have to vote on this motion.

Mr. G. V. Bewoor: I am not in a position to give any assurance whether Government will accept or not accept the cut already made.

Mr. M. A. Jinnah: What am I to do then?

Mr. G. V. Bewoor: I am giving the effect of the cut which has been imposed by this House on the revenues of this

Department.

Mr. M. A. Jinnah: The Honourable Member wanted to impress upon this House that we should not make any further cuts.

Mr. G. V. Bewoor: That is right. I said the House has already cut the revenues of the department to the extent of 50 lakhs.

Mr. M. A. Jinnah: Then why say do not impose any further cuts.

Mr. President (The Honourable Sir Abdur Rahim): It is only a matter of language.

Mr. G. V. Bewoor: I merely said that this further cut will add to that loss It is for that reason that I desire to oppose this motion and not for any other reason.

Sir Darcy Lindsay (Bengal: European): Sir I spoke on this subject last year........

Legislative Assembly Debates, 1936,
Vol.IV, pp. 3135, 3140-41.

67

Speech in the Central Legislative Assembly on the motion to reduce supplementary demand for "Taxes on Income" regarding Financial impropriety, New Delhi, March 25, 1936.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir I move:

"That a supplementary sum not exceeding Rs.49,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of 'Taxes on Income'."

Mr. President (The Honourable Sir Abdur Rahim): Mr. Chettiar. His amendment is to raise the question of taxing salaries and pensions paid in England. That cannot be done.

Mr. T. S. Avinashilingam Chettiar: It can be raised for this reason. In answer to a question, the Honourable the Finance Member has replied that the question which I seek to raise under this head has been referred to the Experts Committee.

Mr. President (The Honourable Sir Abdur Rahim): That requires legislation, and therefore, the amendment is out of order. Pandit Govind Ballabh Pant.

Mr. K. Sanjiva Row: That also is out of order, Sir.

Financial Impropriety

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Let me move my motion. I move:

"That the demand for a supplementary grant of a sum not exceeding Rs.49,000 in respect of 'Taxes on Income' be reduced by Rs.100."

Sir, the proposal that is before the House is one more illustration of the arbitrary, autocratic and unconstitutional ways of the present Government of India. I will tell you what I mean. Under the rules governing supplementary estimates, the financial proposals of the Government must be laid before the Standing Finance Committee before they are placed before this House. This particular proposal was never placed before the Standing Finance Committee. So, I oppose it on the ground that the procedure prescribed for supplementary demands has not been followed, and I do not see how it is out of order. I know the four corners to which my observations should be restricted. I would have, in fact, asked the House to throw out this proposal *in toto*. I am not doing so, as I understand that the major portion of the sum that is included in this demand has already been spent. So, I have restricted my motion to Rs.100 only........

. . . . . .

Mr. M.S. Aney:.....all the Members of this House, must have known that the particular item or demand which he is placing before the House was not referred to the Standing Finance Committee at all. (Hear, hear) This fact at least must have been known to him; it cannot be concealed from him, and having known that, he could have, as an intelligent Finance Member who is prepared to make a forecast two years or so ahead in connection with several matters, easily anticipated that any intelligent Member of this House might get up and say: "I object to this demand".

The Honourable Sir James Grigg: I think the Honourable Member is under a misapprehension. Quite a large number of cases are kept away from the Standing Finance Committee by executive order, — small cases for example. It is quite true that this is one of those things which ought to have been submitted under existing rules, but an oversight is quite natural at times; there is, however, no doubt that there are a large number of cases which do not come before the Standing Finance Committee but are submitted to this House straightaway.

Mr. S. Satyamurti: Then the Honourable Member admits it was an oversight?

The Honourable Sir James Grigg: I said that jut now.

Mr. M. A. Jinnah (Bombay City: Muhammadan

Urban): Will the Honourable Member get up and say: "I won't do it again"?

The Honourable Sir James Grigg: I am not infallible.

Mr. M. A. Jinnah: Surely, the Honourable Member does not want intentionally to continue in these oversights.

The Honourable Sir James Grigg: I have not the slightest intention of continuing in any oversights: as I say, it was all unintentional.

The Legislative Assembly Debates, 1936,
Vol: IV, pp. 3212-13, 3218.

68

Speech in the Central Legislative Assembly on the amendment to Clause 2 of the Indian Finance Bill, New Delhi, March 25, 1936.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That in clause 2 of the Bill, the following be omitted, namely:

> 'and the said provisions shall, in so far as they enable the Governor General in Council to remit any duty so imposed, be construed as if with effect from the 1st day of April, 1936, they remitted the duty to the extent of the said one rupee and four annas, and such remission shall be deemed to have been made out of the leviable duty by rule made under that section'."

Sir, in form this is an amendment to restore the salt duty which was excised by this House, but it seems to me that this is a convenient place for me to deal with the recommended Bill as a whole and with the issues which arises in consequence of the recommendation. Sir, I do not need of course to say more than a sentence or two in describing what the Bill purports to do or what the amendments which I am moving purport to do. It means that the Government are unable to accept the views of the Assembly either in regard to the excision of the salt duty or in regard to the lowering of the postcard rate but that they accept the vote of the House in regard to the postage rate on newspapers. (Hear, hear) Of course the reversal of the two major votes of the Assembly and the acceptance only of the minor one (Hear, hear) is bound to raise at once the whole issue of the proper limits of responsiveness.....

There is a small omission of the excision of salt duty, but I pass over it.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I did not support the cut on the salt duty. I was speaking for myself.

> **The Honourable Sir James Grigg**: He continues: "I ask the Government through you, Sir, whether they think that our proposals are so unreasonable do they think they are so monstrous that they ought to be certified. The other day, I said, that the Government did not meet the wishes of this House on any first class issue. I do not put this in the category of a first class issue. I make it quite clear that this is also a very important matter on which administrative action is required on the part of the Government. This is in your hands, that is to say in the hands of the Executive Council and not in the hands of the Government of India as I defined it".

– that means, I think, the Executive Council *plus* the

Secretary of State.

Mr. M. A. Jinnah: And the Parliament.

The Honourable Sir James Grigg: "This is entirely in the hands of the Executive Government. Are you going to meet us? Are you going to show that you are amenable to reason, that you would meet the wishes of the House and that this House can influence you? It is for you to decide and show it."

Mr. M. A. Jinnah: You have shown it just now.

The Honourable Sir James Grigg: I have read the extracts from these two speeches because they do include in them a one-sided statement of the issues which are now to be placed before the House. But here, let me for a moment digress and take up Mr. Jinnah's statement that there are no first class issues on which the Government have acted in accordance with the wishes of the Assembly. I have here, Sir, Vol.I of the Memoranda submitted to the Indian Statutory Commission* by the Government of India and I would like.......

.....

President (The Honourable Sir Abdur Rahim): The Honourable Member explains that the Honourable Member, Mr. Jinnah, complained that the Government did not respond to the wishes of the Assembly on any first class issue. I understand the Honourable Member is trying to show that that is not a correct statement.

Mr. M. A. Jinnah: In never said that on the debate on the amendment of that salt duty. All I said is this when I was speaking on the postcard that here is an issue which I consider is not a first-class issue as I have defined; but nevertheless it is important and it can be done by the Executive Government. That is all that I said, but I am quite prepared to meet this debate if it is going to be raised though totally irrelevant.

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* Commonly known as Simon Commission.

The Honourable Sir James Grigg: I have nearly finished this. As I said, this debate and the action of Government raises the whole question of the proper limits of responsiveness, and that is what I am dealing with.....

. . . . .

Mr. Bhulabhai J. Desai:......Sir, I oppose.

Mr. M. A. Jinnah: Sir, in the first instance, I deeply regret that the Finance Member should have brought in this issue of what the Government have done in ages past. May I draw the attention of the Finance Member and of the Government of India to what I said on the motion to reduce the Executive Council demand? Perhaps he is so busy that I think he has missed the point, and burned his midnight oil over the Simon Commission report, to which I have a very complete answer. But why go into it when that question is not raised? What I said was this:

> "But, Sir, when we have failed in any influence being felt, when we have failed in every advice that we have given and when we have exhausted every avenue, every channel, and, at the end of the year, we stand *vis-a-vis* the Government as Opposition, have we not got to give our verdict at the end of the year?"

I was not thinking of the past ages where you have done great services to India. Why rake up all these old controversies? Do you think that you can honourably get a verdict in a court of law in your favour? Why raise it? I confined myself purely to the year since I have had the honour of coming here and trying to place before you my views and my advice. I said, at the end of the year what do I find? I find that you have utterly failed to respond, and, therefore, there is no other course open to me and the only course is to express my extreme disapproval and so I refuse supplies, which is only a fiction. If that is going to have any effect on you, if you think that that has shown to you that there is extreme dissatisfaction on this side of the House, are you going to reconsider your position or not? Are you going to change your attitude or not? I cannot express it in any other way.

Now, Sir, I am told that we have done many things in the past; and the Simon Commission Report is read out *in extenso* by the Finance Member. Let me tell you I am fully aware of all this. I have been myself associated with this Legislature, with few interruptions for very short periods of course, since 1910, and let me tell you if you like something about your discriminating protection. Are you proud of it? Is this your boast? Have you really met the wishes of the people of this country? As I said the other day that, when the Government have got absolutely no friend left in this country, when they feel that there is nobody to support them, they find out some formula, and what is that formula? 'Very well, protection of course, but it must be 'discriminating'. And many of my countrymen fall into the trap, and they say they have got the protection, but our friend, the John Bull, says: "Remember the word 'discriminating'." Well, Sir, you may sit here and boast and talk as much as you like, but I venture to say that if you had forced that policy of discriminating protection on any other country, in the way in which you have played with it in this country, believe me that the people of that country would not have allowed the Government to remain in office for 24 hours. It is because you are irremovable, it is because you can play with it as much as you like here, it is because you are all-powerful, you could coerce our businessmen, you could threaten them with all sorts of dire consequences, and in the name of discriminating protection you started driving in the wedge of Imperial preference straight away. ("Hear, hear" from Opposition Benches.) And, what did you do last year, and that is what I am concerned with most. What did you do last year? You entered into an Indo-British Agreement which this House rejected, and notwithstanding the verdict of the House, you ratified it. Is that policy of yours in the best interest of India? Is that agreement really in the interests of India? I say, if you have any conscience, you cannot stand here at the bar of this House and say that that agreement, which you have ratified notwithstanding the verdict of this House against it, is in the interests of India. That is your discriminating protection.

(At this stage Mr. President (The Honourable Sir Abdur Rahim resumed the Chair).

Now, let us take another, the excise duty. Well, is there any Honourable Member here who knows anything about the history of it and who will not be ashamed of it? I say it was the biggest blot on your administration and on your Government in this country, and you get that removed after 30 years, and you say that that was a response to the Legislature.

Now, let us take the Press Act. Where is it now since last year?

An Honourable Member: They had repealed it for a time in their lucid moments.

Mr. M. A. Jinnah: I quite agree with my friend over there that in your lucid interval you did repeal the Press Act. (Laughter) I am not quarrelling with that, but I may tell you quite frankly, as far as I am concerned, it is not a matter of such great importance. After all, if you repealed the Press Act, you gave the newspapers a chance. Very well, what happened? The British Empire was not going to totter; it did not. For a time the Press Act remained repealed, and when you found, rightly or wrongly, that the newspapers were abusing you too much and you thought you could not stand all that, you thought of re-enacting the Press Act....

The Honourable Sir Henry Craik (Home Member): The Legislature.

Mr. M. A. Jinnah: My Honourable friend, the Home Member, says the Legislature. I know the Legislature sometimes does it, of course I quite agree. My friend does not seem to appreciate my point. I am not now dealing with the question whether the Legislature did it or not. That was not my point at all. I did not want to go into the history of the dark ages from the start of the British rule in this country right up to today and assert on the floor of the House that there was no first class issue on which you have ever met us. Why put that into my mouth and then try to argue and then look absurd? But when you point out the few things that you have done, surely I am entitled to have my say. You raised this issue now, I did not raise it. I am now pointing out to you, therefore, that the repeal of the Press Act was not a matter of life and death.

Then, let us take the other, — constitution of the unified bars of the High Courts, — a first class issue, according to you. Well, Sir, the Honourable the Finance Member, it seems to me, would like this country to remain as utterly savage and uncivilized as possible, and that no institutions of any kind in this country should be established which will help this country at all. And if he does establish one little institution here or there, it is, according to him, first class issue. And says he: "We met that issue". Do you believe really that the constitution of the unified bars of the High Courts is a first class issue? Do you really honestly believe, I do appeal to Government to say whether it is a first class issue?

Then, let us take another — the Indian Territorial Force. (Laughter) There, again, Sir, I had some little share in it in pleading before the bar of this Government. I say it was my misfortune to plead before this Government. I have got grey in pleading before the bar of this Government that has neither a heart, nor a soul, nor a capacity to understand. I urged in this House over and over again, and if I get an opportunity next year, I am going to put something before it again, in regard to the Indian Territorial Force. I have said, Sir, that if the Government are honest, if they believe in nationalisting the army in this country, then one of the most important things that they have to do is to built up the territorial force, and that is a second-line of defence. After many debates, after much opposition, after many controversies and many difficulties we were able to extract from an unwilling customer to say: 'Very well, we will try it, we will start the Territorial Force'. Here is Mr. Tottenham. Ask him what have you done? I think he will say: 'Oh, I cannot get suitable material in this country. What effort have you made to get suitable material? How did you try? It remains a moribund, nebulous, worthless sort of institution. It has got nobody to help, it has got no mother, no father, leave alone the government of India, at its back. That is your territorial force.

Let us take the next one. The Royal Military College. Well, Sir, I have no hesitation in saying that, if at any time, on any question, we were deliberately deceived and defrauded, it was on this question; there is no other question over which we were so deliberately deceived and defrauded. What did you do? You appointed a Committee. I pleaded before the bar of this Government and after a great deal of discussion they appointed a Committee — The Skeen Committee. What happened? Unanimous report, a most modest report. If that scheme had been carried out we could have only got half the number of officers Indianised in the officer ranks in 50 years. Again, Sir, I was fortunate enough, — at that time there was the Congress Bench also, the Congress Party was here, sometimes I find them also difficult. (Laughter) When I went to them. They said, "This is all camouflage. Fifty years! Half the number to be Indianised!

When will be Indian army be Indianised then? In how many years? No, no. We cannot agree". Again I pleaded before the bar of the Congress and I persuaded my friends and they said, very well. The House practically unanimously was in favour of the Government accepting the Skeen Committee's report. Did you do so? You did not. All sorts of excuses, all sorts of grounds were put forward. Naturally, that question could not die, it went on and on. This was in 1926 and 1927. Then we went to the Round Table Conference. How we were deceived there is well-known to those who have understood or followed the proceedings. We wanted the Defence Committee of the Round Table Conference to fix the number. And if from that day, that is the year 1930-31, if the British recruitment in the Indian Army proper was stopped and all the vacancies were to be filled up by Indians, it was admitted that it would take 35 years. They said, "We shall not do that". Then they said, "No, no. We cannot fix the number." Who is to fix the number? They had a resolution that it should be increasingly Indianised or something to that effect. I forget what the words were. And again, I must say that some of my countrymen were satisfied with that, and they were told – remember this, here comes the deception and the fraud. They were told that it would be the business of the Committee, which would be appointed in India and they would determine and fix the number, or as to what the number should be. When that Committee was appointed in India, the Commander-in-Chief said to that Committee: "This is not within your jurisdiction, or within your purview, to consider the question of the number". So, we were told in London by the Defence Committee of the Round Table Conference that the Committee would be appointed in India dealing with the question of Indian Sandhurst that would decide and fix the number. When you come here, you are told that this Committee has not.power to decide. And who decided the number? Heaven alone knows. I suppose the Government of India had to announce, and so they did as to the number that was decided upon and fixed. This is your Military

College policy. May I go on? It seems to me it is an utter waste of time, I will close this book for the moment, and I present it back to the Honourable the Finance Member. (Laughter) Sir, I was really confining myself to a very simple narrow point. So all this is beside the point. I was taking stock of the annual work of this Legislature when I was supporting the cut for refusal of supplies. I said then, you have not met us on any first class issue. Now, Sir, with regard to this amendment, I would like to know from the Honourable the Finance Member whether it is still open to me – I would like to know because that will affect my decision as to how I should vote on this recommended Bill – whether it is still open to me to ask – whether any distinction is going to be made between Salt and Postcard, because, as the Finance Member knows, I did not support the amendment excising the salt duty, and I think I made a point of it in my speech in supporting the postcard cut – that you have to take into consideration, not only the vote of this House, which, of course, is always important, because it is the decision of the House, but you have also to take into consideration under the constitution under which we are working, the strength behind that vote. The salt tax reduction I do not support. It has been a mystery to me how Government lost, because I think they can at a given stretch command more than 41 votes. (Laughter) Anyhow, evidently, they did not consider that, a first class issue perhaps, so they did not care very much and they got beaten. But whether they are beaten or whether they are not, they have got the certification behind them, so it does not matter. May I say I do not support the salt tax amendment even now? I say, if the Governor General says, "I recommend", that was my recommendation also. (Laughter) I failed. The Governor General recommends it. I accept his recommendation and I would appeal to my friends to accept this recommendation, but what about the postcard? That recommendation of the Governor General, Sir, I am unable to accept. I do not think I shall waste the time of the House any further but I shall ask one question. Is it still possible – I see under the law and the rules it is possible — the Governor General says, "You have made two cuts. I am going to certify, or rather recommend, and if it is not accepted, I will certify". Supposing I was to say to the Governor General, "All right, I am willing to accept your recommendation as to salt but not as to the post. Will the Honourable Member consider that question or not? If he says: "No, even if you accept the salt recommendation, I will not accept the postcard", then I must oppose this amendment. (Applause)

. . . . .

Sir Cowasji Jehangir: Yes that's it.

The Honourable Sir Nripendra Sircar: Exactly:

"It should be understood" —

— and, may I add, not forgotten by men who claim this knowledge — "from the beginning that this power of the Governor General in Council is real."

Sir Cowasji Jehangir: Yes.

The Honourable Sir Nripendra Sircar: I do not want any encouragement from a gentleman whose knowledge has now been discovered to be very little indeed. (Laughter)

"It is meant to be used if and when necessary."

Sir, what is the meaning of this sentence? The power is not intended to be used arbitrarily, but certainly this Legislature was not the final voice in deciding when it is necessary.

"It is not, however, within the scheme of the Bill to introduce at the present stage say any measure of responsible government into the central administration."

What is meant by saying that real power msut be reserved in the Governor General in Council? What is meant by saying that it must be used and it is intended to be used and intended to be real? I claim before this House to have shown from the report itself that what they intended was the very antithesis, the exact contrary, of what the Honourable the Baronet from Bombay intended this House to believe.

Sir, only one word more and I have done. I am very much obliged to my Honourable friend for judging me by the Bombay standard and attributing to me, not directly but by implication, a certain amount of lack of honesty.

Sir Cowasji Jehangir: Sir on a point of personal explanation, I never intended that. The Honourable Member should not put that into my mouth.

The Honourable Sir Nripendra Sircar: I hope my Honourable friend will not take it too seriously.

Dr. G.V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, may I know what the Honourable Member means by the phrase "Bombay standard"? (Loud Laughter)

Mr. M. A. Jinnah: Sir, I want your ruling on this. I think the Law Member should not have used the phrase. "Bombay standard" thereby stigmatising the whole of Bombay City or Presidency, and I think it is not right. Because he wants to criticse a particular Member, to say that this is the "Bombay standard" of honesty is an insinuation that the Bombay standard of honesty is very low. I do not think he meant that, but that is the implication.

The Honourable Sir Nripendra Sircar: I have not the slightest hesitation in withdrawing that expression if it is likely to be misunderstood, and instead of saying that, I would say, "judged by the Sir Cowasji standard". (Laughter)

Dr. G.V. Deshmukh: Say the "knightly standard".

The Legislative Assembly Debates, 1936,
Vol: IV, pp. 3265-66, 3268, 3274-78, 3285.

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Speech in the Central Legislative Assembly in the motion regarding "appointment of a Committee to examine the working of the Ottawa Trade Agreement", New Delhi, March 26, 1936.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That, in accordance with the recommendation of the Committee referred to in the Resolution adopted by this Assembly on the 6th December, 1932, a Committee of this Assembly consisting of the Honourable Sir Frank Noyce, Sir Girja Shankar Bajpai, Mr. F.E. James, Sir H.P. Mody, Mr. K.L. Gauba, Sir Abdur Halim Ghuznavi and the Mover be constituted to examine the working of the Trade Agreement concluded at Ottawa on the 20th August, 1932, between His Majesty's Government in the United Kingdom and the Government of India, and to report to the House thereon".

. . . . .

The Honourable Sir Muhammad Zafrullah Khan:......Cotton does not enjoy any preference; it has the right of free entry into the United Kingdom. Therefore any improvement with regard to the position of cotton was only to be expected from putting into operation the undertaking given in Article 8.

Mr. M. A. Jinnah (Bombay City: Muhammadan

Urban): Is there any cotton in any other part of the world which has not free entry?

The Honourable Sir Muhammad Zafrullah Khan: What I mean is that, with regard to cotton, there is no advantage that arises from any preference.

Mr. M. A. Jinnah: I am afraid I was not understood. Has not cotton got free entry from every part of the world into the United Kingdom?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid the Honourable Member did not understand me. I said it has no preference, which means it is free from all countries; and therefore I said that any benefit to be looked to in this connection was the benefit which might result from the activities of the Lancashire Indian Cotton Committee.

With regard to this the figures of imports of Indian cotton into the United Kingdom are......

Mr. President (The Honourable Sir Abdur Rahim): There are twelve amendments of which notice has been received, and another in the name of Mr. Jinnah of which notice has been received today........

. . . . .

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): If Mr. Desai moves his amendment, I will support it.

Mr. President (The Honourable Sir Abdur Rahim): Very well, the Honourable Member will await his turn. The Chair understands Mr. Gauba wants to move his amendment, and Mr. Jinnah, the Chair takes it, also wants to move his amendment.

Mr. M. A. Jinnah: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): All these three amendments can be moved, and the discussion will proceed on all the three amendments as well as the original Resolution.

. . . . .

Mr. M. A. Jinnah: Sir, I move:

"That for the original motion, the following be substituted:

"This Assembly recommends to the Governor General in Council that the Ottawa Agreement, dated the 20th August, 1932, be terminated without delay and a notice of denunciation be given in terms of Article 14 thereof. The Assembly further recommends that the Government of India should immediately examine the trend of trade of India with various other important countries and the United Kingdom and investigate the possibilities of entering into such bilateral trade treaties with them whenever and wherever possible to bring about the expansion of export trade of India in those markets and submit such treaty or treaties for the approval of this Assembly?"

. . . . .

Mr. Bhulabhai J. Desai:.........You, therefore, begin with a most fundamental and important fact, and, therefore, that part of it would certainly not require examination, that so far as the United Kingdom is concerned, these figures which have been published show clearly that they stand definitely and clearly to gain by the continuance of the Agreement......

Mr. M. A. Jinnah: They are quite satisfied.

Mr. Bhulabhai J. Desai: They are quite satisfied......

. . . . .

Mr. K. L. Gauba:.......That the Government should make it clear and should make it explicit that the report of the Committee will be placed for the consideration of this House, for the decision of the House and whatever be the decision of the Committee, whether for termination of the Agreement, or for modification of the Agreement or for negotiation, the Government will faithfully and loyally carry out those recommendations.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): They have already said so.

Mr. M. A. Jinnah: They have already made it clear.

Mr. K. L. Gauba: When the Government have made it clear, then I see there is no answer which the Congress Party has for refusing to serve on the Committee. They have absolutely no answer for refusing the offer. (Applause.) With these remarks, I commend my amendment for the acceptance of the House.

. . . . .

Dr. John Matthai: If you are going to consider this Agreement in a proper perspective, you ought really to look at it in relation to the circumstances when the Agreement was planned and inaugurated. To try and read the facts of three years hence into the minds of people who were trying to organise this arrangement in 1932 is not fair criticism.

Mr. B. Das: All of them have left the Assembly except our Honourable friend, Seth Haji Abdoola Haroon!

Dr. John Matthai: There was another point which has been referred to more than once in this House, and that is the vexed question of diversion.

Mr. M. A. Jinnah: Do I understand the Honourable Member to ask me to judge this Agreement having regard to the time when it was arrived at, irrespective of the last three years?

Dr. John Matthai: In view of my Honourable friend's question, I hope the House will allow me to explain it a little further. I am trying at present to prove whether, on the actual results achieved over a period of three years, a fair balance of interests has been secured. I started by saying that on statistical evidence it would be almost impossible to measure it with accuracy. But such indications as we have, do show that even with regard to the actual results of the working of the Agreement for the period of three years, a fairly satisfactory balance has been secured between the interests of India and the United Kingdom; that is to say, if you look at it with reference to the limited scope of this Agreement. I was going to enforce that argument by a reference to the psychology of those who tried to plan this Agreement, as far as you could understand it, in relation to the circumstances of 1932. I hope I have satisfied my Honourable friend, Mr. Jinnah.

Mr. M. A. Jinnah: Not quite. My question was, what is the opinion now of the Honourable Member about this Agreement, today?

Dr. John Matthai: My opinion is that, as far as trade in the articles covered by the Ottawa Agreement is concerned, there is on the whole a certain even balance of interests between India and the United Kingdom. I do contest the proposition, — I think there is sufficient evidence for definitely contesting the proposition, — that the United Kingdom has benefited far more than we have by this arrangement.

Now, with regard to this question of diversion, a good deal has been said about diversion.......

. . . . .

Dr. John Matthai: The point which has been raised over and over again is that our total balance of trade has perceptibly declined during the period during which the Ottawa

Agreement has been in operation. As the House well knows, the question of balance of trade has no particular significance as between one individual country and another individual country. The question of the balance of trade is important as between one country and the whole of the rest of the world. Therefore,......

Mr. M. A. Jinnah: That is going too far.

Dr. John Matthai:........what you have to do is to consider the total balance of trade in India during this period.......

Dr. John Matthai:......Now, as far as I have been able to study the reports of the working of the Ottawa Agreement, in various parts of the Empire, I cannot think of any country included in the Empire in which there has not been expression of very considerable dissatisfaction, but so far as I know – I am not in a position to judge what may happen tomorrow – but so far as I know the position today is, we are the only people who are speaking of formal denunciation........

Mr. M. A. Jinnah: The other Agreements are fixed for a certain period. Next year, they all expire. You cannot terminate when it is for five years.

Dr. John Matthai: The point seems to be this: over a period of three years complete investigations have been carried on in several countries which are participants in the Ottawa Agreement. The Honourable Member will find that in most of these reports there are very definite conclusions which have been reached: but whatever the conclusions are, and however strongly the conclusions are framed, there has been no reference to formal denunciation.......

Mr. M. A. Jinnah: Yes, there is.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): What about Canada and the United States?

Mr. M. A. Jinnah: I may inform the Honourable Member that very recently, in the House of Commons, an answer was given by the Government that the whole of the Ottawa Agreement will be reviewed very soon.

Dr. John Matthai: Review is not denunciation.

Mr. M. A. Jinnah: You cannot review unless you terminate.

Dr. John Matthai: The motion before the House is for the appointment of a Committee for precisely this purpose – to review the working of the Ottawa Agreement.

.....

Mr. F. E. James (Madras: European): Sir, we are at some little disadvantage in connection with the discussion of this subject on the ground that the amendment, which has been tabled by my Honourable friend, Mr. Jinnah, was only available to Members of thee House this morning, and up to this moment he has not enlightened this House as to the reasons which he has for moving this particular amendment. My friend, Mr. Jinnah, is, I suggest, not quite so considerate or courteous to the House as he usually is in this regard. It is difficult to discuss the three or four amendments when those Movers, with the exception of one, have already made their position clear to the House......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I rise to make a personal explanation? I do admit that I gave notice of my amendment rather late, but I think the Honourable Member knows better than anybody else in this House that there were certain discussions going on, to which he was a party, and while those discussions were going on, I would not have been justified in tabling my amendment which I have sponsored now.

Mr. F. E. James: I am afraid I was not a party to any discussions which have been going on since the debate began, but I hope that my friend, Mr. Jinnah, will, at any rate, take the House very shortly into his confidence with regard to the real meaning of his own particular amendment. If he does not do so, then this debate will have a certain amount of unreality about it......

.....

Mr. F. E. James: A further suggestion is that we should enter into bilateral trade agreements with other countries — I notice that in the amendment of my Honourable friend, the Leader of the Independent Party. He is prepared, of course, after denunciation, — that must come first, but he is prepared, after that has been done, to enquire into the possibility of examining the trend of the trade of India with various other important countries and the United Kingdom and investigate the possibility of entering into any such bilateral treaties, etc. Of course, the denunciation part must come first, otherwise we would not get the support of the Congress Party......

Mr. M. A. Jinnah: I will get your support.

Mr. F.E. James: My Honourable friend is an adept in stealing Congress clothes. (Laughter).....

.....

Sir Girja Shankar Bajpai: But if the Honourable Member would allow me to proceed, I hope I shall be able to indicate to the House that I am not entering into the discussion in any spirit of controversy at all. My one anxiety and desire is to place before the House certain economic considerations which may help Honourable Members to come to a conclusion in consonance with the ideal that they have placed before themselves, an ideal which I venture to say that we on this side of the House also have before us, the ideal of serving the best interests of India.

I was speaking of the atmosphere of suspicion and distrust that has been worked up.......

Mr. M. A. Jinnah: Tell us what your views are.

Sir Girja Shankar Bajpai: My friend, Mr. Jinnah, wants me to cut short my preliminary remarks. I have no objection to that, but, even.......

.....

Sir Girja Shankar Bajpai: If your agreements are with all, then if it means anything, I submit that the transaction ceases to be bilateral, it becomes multilateral or polygonal which is really the aim of international trade.

Mr. M. A. Jinnah: I do not think that is my amendment. If you read it carefully, you will know what my amendment means.

The Honourable Sir Muhammad Zafrullah Khan: Several Honourable Members have said so.

Mr. M. A. Jinnah: My amendment speaks for itself.

Sir Girja Shankar Bajpai: I happen to be in the unfortunate position of not having had the opportunity of hearing from Mr. Jinnah's lips as to what kind of bilateral agreement he desires.

Mr. M. A. Jinnah: Wait till Monday.

Sir Girja Shankar Bajpai: Whatever my Honourable friend and other speakers might say I am merely trying to explain what an authoritative body had to say on the subject of bilateral agreements.

.....

Sir H. P. Mody:......Take Turkey, for instance. India exports to Turkey 36 lakhs of rupees worth of stuff, and India takes only about a lakh. What is the basis of negotiation?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): None.

Sir H. P. Mody: Therefore, it is that we have not been able to negotiate any settlement with Turkey, and for similar reasons, with Iran, Germany and Italy. Why is it that we have not been able to negotiate bilateral agreements with all these countries?

.....

Sir H. P. Mody: I will take another simile. You say to your wife "Well, we are not getting on too well; you are having the last word on every subject and getting the better of the bargain; I am going to have a divorce, but don't be afraid, I am going to marry you again". (Laughter) Sir, is there any logic about it?

Mr. S Satyamurti: "We are going to give notice of divorce, not divorce".

Sir. H. P. Mody: Why then threaten the poor girl with a notice of divorce."

Mr. M. A. Jinnah: She might come to her senses. (Laughter)

Sir H. P. Mody: Now, Sir, I was going to say that termination, apart from its psychological effect on the minds of responsible people in the United Kingdom, would also create a very considerable amount of uncertainty and dislocation of trade......

.....

Mr. M. A. Jinnah: Mr. President, before I deal with my amendment, I would like to make one or two observations with regard to the newly acquired responsibility of this Legislature. Not very long ago, — I think a few days ago or a week ago, — the position taken up by the Finance Member was: "We and we alone are responsible for defence, law and order, and finance. We cannot share that responsibility with you." I was aware of that, but I thought after all that this Legislature had some kind of voice in the matter and so we pleaded before the Finance Member. His answer was: "Under section so and so of the Government of India Act, His Excellency the Governor General has recommended the Bill for you to consent to it: otherwise it will be certified." Then, I thought he was not a Finance Member who was speaking to the Legislature, but it was a rent collector. So I pleaded and I said: "I am sorry: somehow the salt cut was made which I am willing you should have — eight crores: at least meet me with regard to the postcard which means only 50 lakhs: it will make a great difference to my voting if he would give me the answer." He ignored it. On the 26th of this month, in the morning, another Member speaking on behalf of the Government said: "This Assembly, in accordance with the obligation undertaken by the Government, is now transformed into a completely responsible Legislature, and whatever decision the Assembly gives, the Government will accept it." Sir, this Legislature is going to continue its responsibility, which commenced on the 26th instant until the 30th instant at 5 o'clock, or, to be more accurate, until the division is taken." After that, where will this responsible Legislature find the Government which is responsible to it — It will be again the Government which has got its body in Delhi or Simla, the Government which has got its soul or heart in a well-known street called Downing Street in the vicinity of Whitehall, and a Government which has got its head in Westminster? (Laughter) We are in a very difficult position. What are we told? What is the position now? I can assure Honourable Members on the Treasury Benches — and I rather regret specially that it came from Sir Frank Noyce — he said he knows that we have made up our minds, he is not going to make any impression on us, but his only duty, the simple duty of a simple man, was to state his case: for whose benefit? May I know, for whose benefit did the Honourable Member state his case? Not to persuade us not to convince us: then, what purpose or object did you have in mind?......

Mr. R. M. MacDougall (Burma: Nominated Official): Address the Chair.

Mr. M. A. Jinnah: I am addressing the Chair.

Mr. R. M. MacDougall: On a point of order, Sir: the Honourable Member was not addressing the Chair.

Honourable Members: Order, order.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must leave it to the Chair to deal with the point of order.

Mr. M. A. Jinnah: I am addressing the Chair: the Honourable Member, who interrupted me, has no experience of parliamentary debate. I am addressing the Chair, and I referred to Sir Frank Noyce's speech.

The Honourable Sir Frank Noyce: I can answer the Honourable Member.....

Mr. M. A. Jinnah: I do not want an answer now: I do not want to give way at present till......

The Honourable Sir Frank Noyce: My Honourable friend was addressing me: he was putting a question to me: if that is so, I maintain that I am entitled to answer him.

Mr. M. A. Jinnah: I will give way to my Honourable friend after I have finished with the interruption. I was addressing the Chair. I was addressing the Chair. I said that the

Honourable Sir Frank Noyce made a speech, and I regretted the expression he used in it. I said, for what object did you use that expression? Well, I am perfectly prepared now to give way......

Mr. President (The Honourable Sir Abdur Rahim): He need not give way if does not want to.

Mr. M. A. Jinnah: No, Sir, I will, because I do consider it is a courtesy that this side should extend to Government Members when they want to answer a question, we should always give way. I am prepared now to give way.

The Honourable Sir Frank Noyce: I said, Sir, that I was not going to convince my Honourable friends opposite. By my Honourable friends opposite, I was referring to the Opposition. It may be that there are some other Members who are still open to conviction, and I was not without hope that what I said might have some effect on some of them.

Mr. M. A. Jinnah: I accept the modification that there are some people who are still open to conviction, not within the definition of my Honourable friend, Sir Homy Mody. (Laughter) I can assure the House that if I was convinced at this moment, I will withdraw my amendment without hesitation. I do not care who agrees with me and who does not agree with me. If I am convinced in my mind even at this moment that I am doing something harmful to the country, I shall withdraw my amendment at once, and I do not care who goes with me into the lobby and who does not; I shall have no other consideration. I have taken a certain view. Some of us have taken a certain view, and the Government have taken a certain view. Surely the very object of this debate is either we should convince the Government or the Government should convince us. And what is the object of the division then? However, Sir, I shall not waste any more time on that.

Let us get back straightaway now to my amendment.

Sir, it was said that some Honourable Members did not understand my amendment. It was also said several times that I did not get up earlier in the debate and explain what I really wanted by my amendment. I don't think that Honourable Members can really complain that the amendment is not clear. The amendment is very clear. It simply means this — give notice to terminate immediately; start negotiations with the United Kingdom and with such other countries wherever and whenever possible with the main point in view, — and I want to emphasise this, — the expansion of the export trade of India. ("Hear, hear" from Opposition Benches.) That is the main point. The answer to that is a rival proposal, and that proposal is to go into Committee. Therefore, the only question before this House is, should we go into committee or should we not.

Now, let us examine, as the Honourable the Mover said, the position. The question is, which is the suitable way of dealing with this issue in a suitable manner. In order to consider the question whether we should go into committee or not, we have also got to consider where we stand, and what is the past history of this Ottawa Agreement. My Honourable friend, Dr. Matthai, whose speech I admired, and I think he might be congratulated on having made a clever speech as an expert, but an expert who was briefed by my opponent, — if he had been on my side, and if he had been my expert, he would have made a more brilliant speech than he has done — ("Hear, hear" from Opposition Benches) — Dr. Matthai very rightly says, let us get into the psychology, the background of the moment when this Agreement was entered into. Now, let me also get into the psychology and the background of the moment when this Agreement was entered into. Great Britain decided in 1930. I believe, I am not quite sure, but a year before the Ottawa Agreement, — I think it was in 1931, to go off the gold standard. Did Great Britain consult any one of us here? No. Great Britain went off the gold standard and linked the Rupee to the Sterling.

Were we consulted about it? No. In March, 1932, British Import Duties Act was passed. Were we consulted? No. What were the Empire countries told? They were told that if by November, or, within, roughly, six months "you do not come to any terms with us, we shall have to decide and impose duties on your goods". Well, Sir, the Government of India at that time, as usual, had to carry out the orders. So they said: "Very well, we will send you the Indian delegation". They picked up the delegation., Sir. Most of the names that are there certainly do not occupy any position of importance in the commercial, the industrial or the agricultural world of India. It is admitted, it has not been disputed, although some little effort was made this morning by the Honourable Mr. Stewart, it is admitted over and over again that the Government of India did not really have, nor the delegation did have, on their side when they went to London and Ottawa any responsible representatives, commercial, industrial or agricultural, to advise them. ("Hear, hear" from Opposition Benches.) And, now, let us further go into the psychology a little bit. What happens there? An amazing thing. Our delegation, it appears from their Report which I have got in front of me, were beaten into this mentality, and this is what they say at page 9.

> "The issue so long debated whether there should be a general scheme of trade preference within the Empire was not settled, and the question which those responsible for India's fiscal interests had to face was whether India was justified in maintaining her former attitude of aloofness, whether in fact she should afford to stand out of an Agreement which seemed likely to include most, if not all, Empire countries other than herself."
>
> This is the important part:
>
> "It was no longer question of what India stood to gain, but of what she stood to lose."

Our delegation was in this position. So, I use the expression of the Honourable the Mover – the Honourable Member said, negative advantage, insurance value. It was a negative advantage, an insurance value when this Agreement was made, and it is the same argument today. That is No.1 to show the psychology. Then, what happened? Another most amazing statement was made by our delegation: a most damaging, a most fundamental admission, was made by our delegation which is not true. The Prime Minister in his speech says this at page 52:

> "I am informed that in respect of certain classes of goods you have lower duties on British than on foreign products, but that this differentiation was, as a matter of historical fact, made solely in the interests of India and without any desire to confer a favour on this country or from any belief in the policy of Imperial Preference. I suppose, therefore, that I should be wrong in expressing gratitude for the differentiation, but I cannot refrain from expressing my satisfaction that it has been found to be in the interest of India to do what is undoubtedly in the interest of this country and I am confident that in other directions also it will be found that Indian industries are complementary rather than competitive with British."

Reference here to certain classes of goods was made by the Prime Minister because of a statement made by our delegation. Our delegation made this statement.

> "Theoretically, it might seem that preference in the case of protective duties would be excluded altogether, but practically the result has been different. One of the most interesting things about the Indian system of protection is that it has led directly to what has been in effect, if not in intention, a preference for Empire goods. In two very

> important cases, iron and steel and cotton piece-goods, it has been found that the imposition of a lower rate of duty on goods made in the United Kingdom is entirely consistent with Indian interests."

And that statement was repeated by the Honourable Sir Frank Noyce in his speech. He said that, so far as steel was concerned and the textile were concerned, the differential duties were adopted solely in the interests of India. I challenge that statement (Opposition cries of "Hear, hear.") I know more about it. I know the whole history of this case, and I have got the report before me. In 1930, when the Textile Protection Act was passed, it was Imperial Preference, not only Imperial Preference, but it was forced upon us with a pistol in their hand, and the Honourable Member in charge of that Department on behalf of the Government of India made the statement on the floor of this House: "If you change it, we will withdraw the Bill." I am making a present of this to Sir Frank Noyce for him to read it. When I was in this Legislature, I felt that even the small protection which was afforded to the textile industry – if the Bill was withdrawn, the situation was so emergent, so dangerous that I stated on the floor of this House." "I do not agree with you, but since you have decided to withdraw this Bill, if I do not support you, I have no choice but to save the Bill." Do you say to me that this statement of our delegation is correct? I know something about the Steel Bill. I had a great deal to do with it, and it is correct to this extent that differential treatment was offered. And that Bill was only for three years. We felt that during that short period the particular kind of steel that Great Britain imported here we could not make, and it would take some time before we could make such an article, and we thought, therefore, that at the moment it was not desirable to put an extra burden on the consumer at the same time, though we were aware and felt that indirectly we were prejudicing our industry, because it was a check to the growth of that particular kind of article being manufactured. Still, believe me, I was a arty to it. I realised that, I understood that, still, I said, let us make a gesture of goodwill. And we provided that if at any time it was brought to our notice that the British steel which got this differential treatment was seriously competing with our steel, we reserved to ourselves the right to raise the duties and it was so provided in the Statute. Never mind, I am not now carried away by that, I am only replying to the psychology behind. I would not have bothered about it or taken the trouble of studying that part. I will tell my Honourable friend, Dr. Matthai, never mind that psychology. Dr. Matthai's case is that the terrible cataclysm, the complete dislocation of international trade generally was so grave, so dangerous that India could not stand aloof, but had to fall in. Very well. Then, I asked him the question, will you tell me what is your opinion after three years? And that is the question which we have to consider today. I am not going to discuss in detail, linseed this, or coffee that. And that is where I differ and feel that the debate is off the track. The question before the House is this. Here, again, I may quote the words of my Honourable friend, Sir Frank Noyce, and I am extremely obliged to him, because I think he put it very frankly. I would like the Honourable Member to listen to what I am going to say. If I understood him rightly, the Honourable Sir Frank Noyce stated the case very frankly, and that is the crux which this House has got to consider. What did he say? He says: "This Agreement must be continued, but in matters of some details, if you are not satisfied — correct me please if I am wrong, I am only giving the gist of your words, — if you are not satisfied in matters of details, then examine them by a Committee." I would say "Yes" to that proposition at once if I could agree with him that it was a question of some details, some modifications in a few or two or three or five articles — I would say, yes even though personally I would not recommend a Committee of this House, as it would be perfectly useless. I would then suggest something different — I would say, after all, the framework, the structure of this

Agreement we do not want to change, it is only with regard to some matters of detail and the Government also now realise that those terms do require further consideration before urging upon His Majesty's Government on behalf of the United Kingdom to revise them. But, Sir, I would have suggested the appointment of a Committee of people who do understand their business. Have the Government even today got any idea after three years as to in what direction it requires revision even in details. What have they been doing for the last three years?

Mr. N.M. Joshi: Propaganda.

Mr. M. A. Jinnah: No. Government have nothing to say. They throw these papers at us. I am much obliged to Dr. Matthai. It has given me lot of trouble to read all these things. They throw these statistics at us and say: "Here it is, get into a Committee". Supposing we do get into a Committee, what shall we do? My friend, Mr. James, says: "We want to sit with Mr. Jinnah and discuss and examine". This is not a matter for examination. This is not a matter for our Legislature to decide upon. Supposing the Committee is appointed – I am talking of details now – then, what happens? But, before that, let me point out that clause 14 of the Agreement itself provides that, if one party or the other is dissatisfied in respect of any of the articles mentioned, it will be open to it to approach the other party and say what they want: "If an adjustment is arrived at within six months, well and good. Otherwise it is open to the other party to give effect to what they think proper." But I am still doubtful whether you can ask U.K. to change its tariff with regard to the preferred list of exports by sitting on this Committee and prepare a draft agreement *ex-parte*. After all, you have got to negotiate with His Majesty's Government representing U.K. before any agreement can be reached. Will U.K. be on this Committee? Supposing, for instance, this Committee, or only Mr. James lays down that the preference on linseed should be raised to 20 per cent, we cannot decide it here for U.K. We have no power to give effect to it, and, supposing, Sir, I definitely in my Committee say this and the Committee report comes here and I endorse that, then, what is the value of it? It means an ultimatum that for linseed, this Parliament, this responsible Legislature of India, has decided that linseed should be raised to 20 per cent. The Honourable Member in charge of the Government and the Government will be merely a post office carrying the ultimatum of this House. That is not negotiating an agreement. Is this the object for which you want to appoint a Committee? I say, Sir, that there was a clear duty and obligation on the part of the Government of India to have examined by now whether this Agreement requires any revision in details or not if that is the case. They ought to have been ready to put before this House their views that these are the articles where we must press for something more, and then the House might have said: "Very well, we agree with you". You appoint some committee of experts, that will go into it thoroughly, of men who know their business, who are specially skilled in this particular line like my friend, Dr. Matthai, and some commercial representatives, industrial representatives and agricultural representatives. I know there are some in India. Then, let them put their heads together, go to London and negotiate as my Government, as my executive, and then come back to me and say to me;" "Well, we have done our best. This is what we have got, and what we have got is good, and now we want this Legislature to accept it." Well, Sir, if I then don't accept it, provided, of course, it is good for India, there must be something wrong with me. This motion tries to shunt us off to this futile Committee. It is in my opinion absolutely a dilatory motion; I do not admit the propriety of it. My main point is that, if a committee is to be appointed, it can only be on the basis that the basic principle of this Agreement continue. The main structure and the fundamental principles of this Agreement should continue and, revision should take place with regard to matters of detail. I cannot subscribe to the view that it is a question of details, and I tell you why. This is a question not of repair. It is a question of rebuilding. Whether I am right or wrong, it is for this House to decide. Why do I say it is a case for rebuilding? I tell my friend, Mr. James, that on the day this Ottawa Agreement was signed, the ship was sunk, and I am here to see what I can do with the wreckage. I am doing salvage work. After this Ottawa Agreement a Committee was appointed to consider whether the Agreement should be ratified by this House or not. We got two reports, dated 28th November, 1932, the minority report, and the majority report. At that time, the minority did not consist of Congressmen. The Congress Party was not here. This is what they say. I shall put it in a very few sentences. The majority report, to which my friend, Sir Hormasji Mody, was a party, said that the only test that they could apply to say whether it was good or bad was time and experience. Try it, they said and then we shall see. I ask Sir Hormasji Mody and I ask any business man this question: You enter into an agreement and you don't know whether it is good for you or bad for you.

Sir H. P. Mody: Read the whole thing.

Mr. M. A. Jinnah: I have not got the time, but this was their main point. I have got no particular grudge against Sir Hormasji Mody. I am only talking of the Committee as a whole. But what did the minority consisting of three eminent men say? The Agreement was not in the interest of India and should not be ratified. Then, another Committee was appointed after fifteen months, whose report dated 30th August 1934, never was placed before this House; and, again, "minority" and "majority" reports. I am trying to correctly represent the facts; again that Committee sat and concluded, the majority; that fifteen months were not enough to really judge the *pros* and the *cons* of the question. Here is a business man who has been carrying on this business for fifteen months, and he says — "well, you cannot say yet, wait and see." (Laughter) Then we again have the various arguments about "cataclysms", and so on. But the minority practically say the same thing what I am saying now, that you should put an end to this Agreement and start negotiations to enter into an agreement with such countries as you can, having regard to the trend of the trade and with the object of an expansion of trade.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has spoken for 25 minutes.

Mr. M. A. Jinnah: I do not want to speak any more, Sir, if you will stop me.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not want to stop the Honourable Member. The Chair is simply reminding the Honourable Member of the time-limit that was arranged.

Honourable Members: Go on, go on.

Mr. M. A. Jinnah: I do not want to take up the time of the House, but, you msut remember, Sir, that I have no desire really to go on with this matter any more, but, on the other hand, there has been a great deal of criticism from various parts of the House that they would like to hear me, and, if they really want to hear my views, I am willing to give them my views, and, if I am to speak, I may not be able to adhere to the time-limit. I was going to say this. In the Minority Report dated the 28th November, 1932, at the time when the Agreement was ratified, the whole case was examined, and at that time the Minority Report made out its case against the Agreement referring to the whole matter item by item. Of course I do not wish to say on the floor of this House that, when you get preference, there is no benefit. That will be absurd. No one says that when you get preference, you will not probably increase your export trade with Great Britain. I do not dispute that, but I am not concerned only with Great Britain. Great Britain only takes some part, a very big part no doubt, I admit that, I think it is 31 per cent of the total export trade.

An Honourable Member: As a single party.

Mr. M. A. Jinnah: Certainly, it takes a considerable part, it is as much as 31 per cent. You cannot increase that; so, whether it is one single party or whether there are three other parties, Great Britain takes 31 per cent. Sir, I have got to think of that. Because of this preference, *ipso facto* it must obviously mean some advantage, some benefit, I do not dispute it, and I agree that the export trade with the United Kingdom must increase, necessarily, unless there are some other causes, but I have got to take my balance sheet: and if I have got other customers to the extent of 69 per cent, I find that, by entering into this coterie, this Empire unit, as against the rest of the world, call it retaliation, call it anything you like, I do not gain; it is obvious that other countries were thinking along with Great Britain long before the Ottawa Agreement was signed. This Ottawa Agreement was not sprung on this globe suddenly on the 20th August, 1932. Years before, the discussions were going on, talks were going on in newspapers, various public bodies and the commercial world of European countries, and naturally, when Great Britain was thinking of forming this unit, this coterie, the other nations also were thinking. They did not lag behind like we do. We are living in darkness, they are wide-awake, they are like live-wire; the moment the question was mooted, long before the Ottawa Agreement, the other nations began to think. They were also speculating — "supposing England does this, what shall we do?"; They were also preparing for what was coming long before the Ottawa Agreement was signed on the 20th of August, 1932. Then, you call it "retaliation", call it anything you like, — and I can prove to my friend, Sir Girja Shankar Bajpai, that the whole of his theory is wrong. He has taken only one part and is saying that such and such prohibitions for action on the part of Germany have reduced our exports, and that such and such exports are prohibited absolutely. Beside ban on imports generally and reduction of foreign currency for payment of imports to five per cent, my Honourable friend has perhaps forgotten to note that they have had a system of compensation trade whereby they allow 100 per cent to trade along those lines and treaties, with how many countries, Germany has entered into on that basis? Say, more than one dozen. My Honourable friend, Sir Frank Noyce, said here that if you are going to enter into those agreements with various nations, you may as well call an economic conference of the world. But Great Britain has entered into 19 agreements with 19 countries. Did they call an economic conference of the world in order to enter into those agreements? Why do you say to me, then, when I say to my Government this, that you must enter into an agreement with such countries as possible? I say "wherever possible and whenever possible". It is for you to consider, it is for you to decide. Now, can I enter any agreement with any other country? I say, no, you have nothing to give as long as we are tied down by the Ottawa Agreement. All the imports of the competitive markets of this country are included in that long list of 163 articles! What have I got left in my hand that I will give or offer to anybody? Sir, nobody would look at me. I say to Germany — "take my exports". They say, "that is all right, what have you got to give me?" I say — "I have given all that away to England". (Hear, hear and Laughter) You see you have fettered me; nobody would look at me, because I have got nothing to give, and this applies to all other countries! Well, Sir, therefore, my submission is this, that this Agreement, taking the cumulative effect and examining the range of the entire list of exports and imports, is bad, and I have come to this clear conclusion, and it is certainly not for the benefit to India; that I think is almost admitted, but I go further and say that it is detrimental to India; and so long as I do not get free from this Agreement, I shall never get a better agreement with the United Kingdom or anybody else. (Hear, hear) Why threaten us? Sir, I was really surprised at Dr. Matthai, who, if he had confined himself really to what he represents, it would perhaps have impressed us, but what did he say? Sir, everybody threatens us. He threatened saying" "Remember, you have got to think of the goodwill". Now, what has Dr. Matthai got to do with that goodwill? Now, I do not see why I am to forfeit the goodwill of Great Britain. Why? I say to Great Britain: "Believe me, I want arrangements with you, but it must be such as you and we shall benefit mutually, I am willing, again let us make an attempt." And I will tell you why I want to give notice, — not in order to show bad will or lack of goodwill, but the reason why I want to give notice now is this: As a businessman, I have come to the conclusion that, if I cannot get better terms, substantially, mind you, not just "details", substantially, from England, then I do not want to go on with this bad business, this losing business, and I do not want to lose one month more of suffering loss, and I, therefore, give six months notice, if we can come to some arrangement, there will be no dislocation. There will be no chaos and there will be no lack of goodwill. But I am told, "you are making a mistake". The commercial people and bodies in the United Kingdom are dying to get hold of some excuse, and the moment you say this, they want to scrap it. So, do not do it. Well, Sir, what answer can I give to that? If that is the feeling in England, then Great Britain is making a very great sacrifice in not disturbing this Agreement. Standing on the floor of this House, I want to show my goodwill to Great Britain, and I say: "You are really seriously suffering. I do not want this unjust Agreement, I want to come to a just agreement." (Applause).

Well, Sir, I have finished, and I have only one word to say. It has been said that in this Committee motion, their is only one meaning and no other meaning, that is to examine. But we have had two Committees already, with the result I have mentioned already. I say, therefore, this Committee motion is a dilatory motion, and it is intended to evade the issue. A Committee either of this House or preferably any other

Committee of experts can only be justified at all if it was a question of modification in details which I say it is not. Therefore, let us be true to ourselves, there is no sue of humbugging each other. We are convinced that it is not a question of details, but basic principles. I, therefore, suggest hat you should terminate and enter into a fresh agreement. What is the position in England? I will read to this House a message sent to India, as late as February 12, from London:

> "The House of Commons by 208 votes to 135 approved of an increase in the duty on linseed oil from 70 shillings to 100 shillings per ton. Dr. L. Burgin, Parliamentary Secretary to the Board of Trade, explained that it was designed to assist the crushing industry and recalled that the duty on foreign linseed and linseed oil was imposed in consequence of the Ottawa Agreement with India. Major Hills quoted figures showing a decline in Indian exports of linseed to Britain in 1935 and an increase in exports from and said that it seemed that preference was not valued by India. He suggested therefore that Argentine seed should be allowed to enter duty free".

The House understands that the urge that was made upon His Majesty's Government is to allow Argentine linseed to enter Great Britain free of duty, that is to say take away the 10 per cent preference. What is the answer?

The message continues:

> "Mr. Herbert Williams contending that the duty on foreign linseed was causing difficulties in Britain urged that a modification of it should be sought from the Government of India."

That is to say, Great Britain must write to the Government of India and say that we cannot give you any further preference on linseed as the duty on linseed was causing difficulties to Britain.

The message goes on:

> "Dr. Burgin replying said that the British Government could not alter the Ottawa Agreement unilaterally. It was not for him but for the Government of India to say whether the duty justified Indian expectations. The suggestion for an arrangement with the Government of India would be borne in mind, but he was unable to hold out the hope that they would negotiate a partial alteration when the time was so near when the whole of the Ottawa Agreement would doubtless be reviewed."

In the context, one or two suggestions are made to deal with linseed, that is to say, the preference on Indian linseed should be repealed. What does that mean? It means that if His Majesty's Government make any proposals with regard to linseed to that effect probably we will make half a dozen proposals with regard to the merits of the duty on other articles of imports and exports, and so on. Therefore, this Agreement is one whole, it is inter dependent. If you take away one link from that, on one side, the whole thing breaks, whereas, if you take away one or two links from the other side, the whole link breaks. To use the words of Dr. Matthai, the whole thing is so balanced, that he cannot say more than this that it is even. He will, however, contest the proposition that it is far more beneficial to Great Britain, "far more", these are safe words; but slightly or to some degree he would not say – to what degree he can say after three years.

I, therefore, hope that the House will not be really led away by the usual cry, by the usual catch phrase, why not go into Committee, why not examine it. After all, you are the masters, you are the judges. I submit, the whole question is this, the whole issue between the Government and ourselves is this.

If you go into Committee, take if from me, you will be kept roaming about for two years, and the object of the Government is not to allow you to open negotiations until the Dominion Agreements expire at the end of 1937. (Hear, hear) Do you want to fall into this trap and give facilities to the Government to ensnare you and support the dilatory motion for committee? Then do it and suffer the loss for two years. (Loud & Prolonged Cheer)

.....

Sir Muhammad Zafrullah Khan:.....That being so, if notice of termination of the Agreement is given and no fresh agreement is in the meantime arrived at, there is bound to occur a most serious disturbance of the export trade of India to the United Kingdom.

Mr. M. A. Jinnah: It would apply to both.

The Honourable Sir Muhammad Zafrullah Khan: It would apply to both, but surely that would amount to cutting off one's nose to spite one's face................I desire only to draw attention to the possible reaction of termination of the Ottawa Trade Agreement on the Indo-Burma Trade Agreement. I merely put that forward for consideration.

The Honourable Member: You mean the Indo-Japanese Agreement?

The Honourable Sir Muhammad Zafrullah Khan: No, I am referring to the Indo-Burma Agreement.

Mr. M. A. Jinnah: This is the first time we hear about it.

The Honourable Sir Muhammad Zafrullah Khan: There are several other matters that might be affected.

Mr. M. A. Jinnah: I wish you had told us about it, in which case I would have replied to you.

The Honourable Sir Muhammad Zafrullah Khan: Really, I am rather surprised that this objection should come from Mr. Jinnah.

Mr. M. A. Jinnah: I am fully alive to the importance of that matter. If the Honourable Member had merely hinted at this before, I might have been able to reply to that.

The Honourable Sir Muhammad Zafrullah Khan: I have already told Mr. Jinnah and the House that the matter had struck me for the first time a few minutes ago, as a matter of fact, in the course of the Honourable Member's speech, he having taken care to speak last of all. I should not be charged with not having mentioned the matter before, when I say that the matter struck me for the first time when the Honourable Member himself was speaking.

Mr. M. A. Jinnah: The Honourable Member should not have accused me of having spoken last. He has got the final right of reply.

The Honourable Sir Muhammad Zafrullah Khan: I did not suggest that the Honourable Member did anything unfair in speaking last. I am explaining that I could not have mentioned this matter earlier, because this matter struck me for the first time when the Honourable Member was speaking.

Mr. M. A. Jinnah: I accept that.

.....

Sir Muhammad Zafrullah Khan:......Mr. Jinnah has given this lead: "Mere tinkering with this Agreement will not do. You have not merely to repair it in a minor or major degree, you have got to reconstruct the whole of this Agreement". I was hoping that he would go on to indicate the foundations upon which the reconstruction should take place, the plan of the reconstruction, but he offered only a negative suggestion.

Mr. M. A. Jinnah: I think I did. I said: "You will have to examine the whole range on both sides and the preference to U.K. for steel and cotton should not be excluded from your consideration as it was done at Ottawa".

The Honourable Sir Muhammad Zafrullah Khan: Opinions might legitimately differ whether that is suggestion only for modification in certain directions or whether that is a suggestion for the entire reconstruction of the whole scheme.

Mr. M. A. Jinnah: Of course it is for entire reconstruction.

The Honourable Sir Muhammad Zafrullah Khan: It may be or it may not be.

The Legislative Assembly Debates, 1936, Vol: IV, pp. 3303-5, 3307-9, 3319, 3334-35, 3337-39, 3359, 3362, 3395, 3401, 3447-48, 3474-84, 3497-98, 3500.

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Statement on the eve of the League Session, Bombay, April 5, 1936.

On the eve of the session of the All India Muslim League, Mr. M. A. Jinnah has issued the following statement:

"This session of the Muslim League is going to be one of the most important and I, therefore, appeal to all members of the League to be present. The first and foremost question to be considered is what should be the policy and programme of the Muslims with regard to their attitude towards and participation in the coming provincial Governments under the Government of India Act, 1935. The decision of the League is bound to play a very important part in the future shaping of the position of the Muslims *vis-a-vis* the new Reforms.

Of course, I do not want to anticipate the decisions that may be taken by the League and, therefore, I do not wish to express my personal views at this juncture as to what should be the policy and programme of the Muslims and the ways and means of carrying it out." (A.P.)

The Civil & Military Gazette, April , 1936.

71

Speech on a resolution at the Annual Session of the All India Muslim League, Bombay, April 12,1936

Mr. M. A. Jinnah thought it is unnecessary to go into the long history of the Government of India Act, but he briefly summarised what the demands of the people of India were and when they began to be made. The real issue came into forefront in 1924 if not earlier when provincial autonomy was taken for granted already at that time. Lord Reading was willing to call the leaders of India and come to a settlement with them. In 1924, therefore, the question of provincial autonomy did not trouble the leaders. Then came the Muddiman Committee in 1925, when it was again known that the Government would grant provincial autonomy scheme. But it was not the Provincial Autonomy that the people were fighting for. The main issue was about control and responsibility in the Central Government. That meant control and responsibility departments which should be managed by ministers responsible to the Legislature. There was the question of Defence. Because unless the people of India had defence in their hands, unless they had sword in their hands to defend their homes and hearths, they could not be expected legitimately to fill their place in the nation.

As regards finance, anyone would appreciate that without money one could do nothing. So was the case about Commerce and Industry. These were some of the vital departments though there were many other departments, the present Government considered, for instance, that the Law and Order Department was more vital than anything else. They then fought for control and responsibility in the vital departments. What did the country get in the new constitution?

Mr. M. A. Jinnah challenged contradiction in his statement that India got 2 per cent responsibility and 98 per cent safeguards and special powers to the Governor General. It was not only that. It was most remarkable that this 2 per cent of responsibility was hampered and hedged in, in several ways. Firstly, one-third of the number of members in the Assembly of the First House would be the nominees of the Indian Princes. Then there were in British India certain conservative elements. There was large representation to the Europeans. The Constitution was expressly so designed that leaving alone extremists and socialists, the programme of even moderate nationalist Indians of advanced ideas would never go through the First House. If by miracle or manoeuvre any measure went through the First House there was the equally powerful Second House where the representation for the Princes was 40 per cent responsible to none, not even to the subjects of the State. That was so far as the composition of the Legislatures was concerned.

If a measure went through these two Houses, there was the Governor General. Mr. M. A. Jinnah did not think that anywhere in the world there was any person who exercised such powers. He was therefore justified in protesting against the constitution being forced on the country.

Mr. M. A. Jinnah then referred to the situation in India. There were four major parties sitting as it were at a chessboard. There were the British people, as a collective entity. There were the Indian Princes, the Hindus and the Mussalmans.

The object of Great Britain was to maintain inviolable and intact the powers and authority of Great Britain as a dominant party that must maintain the "Raj" in India. The object of the Indian Princes was that they did not want any kind of democratic government. They seemed to think, that if the B. Government might hand over certain power to the People of B. India, was it not better that the Princes should come in to keep a control over any such power given to the people of the B. India. The object of the Hindus and Muslims was common to a certain extent. The Muslims were anxious and were as ready as any Hindu nationalist to stand by the country and struggle for the freedom of the country.

But this was the first time that the people were trying a constitution by which the Government was carried on by a majority rule and the Muslims were a minority community. It was not a religious question. It was a question whether they should not have sufficient safeguards which would inspire confidence in them so that they too wholeheartedly join with the sister communities in the march for freedom. Unfortunately, there was no agreement between the Hindus and Muslims on this question.

The fact thus remained that the people of India were not united as yet, and could not present a united front. Mere resolutions did not impress the B. Government. Leaving alone the question of unity of the whole people in India, even in communities there was no unity. If Muslims were divided, Hindus too were in a similar condition. Among them there was the Indian National Congress, the Hindu Mahasabha and the Liberal Federation. Was there any community in India which could say that was willing to follow one leader? What impression could be created to the B. Government in these conditions? The case of the Hindus and Muslims was similar to that of two cats who went to law before a monkey.

One might ask, why the new constitution should be criticised, when the people were in such helpless position express his opinion about this constitution forced on the country. One might again ask "What will you do when the constitution comes into being"? Mr. M. A. Jinnah recalled the conclusion of the Treaty of Versailles against the consent of Germany. He thought it necessary to go into the ring of the new constitution, not to work it, in the sense in which the B. Government understood that word. This constitution involved grossest breach of faith on the part of the B. Government. They had stated that no constitution would be framed unless there was the greatest common measure of agreement in favour of the constitution in the country. Only it seemed to him, there was the largest common measure of agreement among the conservative in G. Britain and that was all.

He would submit to the new constitution under protest just like the German nation under the Treaty of Versailles. But at the first opportunity he would begin to tear off as many pages of the Government of India Act as possible. No constitution could be forced on the people, unless it was with their agreement. Referring to the methods open to him to adopt, Mr. M. A. Jinnah said that he would take up "Constitutional agitation" inside and outside the legislatures to create those forces which would constitute sufficient pressure to bend the British Government to the will of the people of India.

But that was a task, he confessed, which could not be done alone. It could be done only by the two communities standing shoulder to shoulder in their demands. Unfortunately, however "the largest organisation", the Indian National Congress, was behaving like an ostrich, putting its head in the sand and thinking that nobody was observing it. The Congress claimed to represent the entire nation and stated that it did not care about individual communities. The Congress attitude was "If you like to come with us, you may, or stay away, if you choose. We will remain neutral and we are marching towards our goal". It was wrong to adopt such an attitude. "I venture to say that the Congress will never reach the goal they desire and we desire unless they appeal to the Muslims".

So far as the Muslims were concerned they owed not only a duty to the community but also to the country. Whether the Congress wanted them to join that body or not, they should organise themselves and compel the Congress to approach them for co-operation. He believed that with such organisation the Muslims could arrive at a settlement with the Hindus as two nations, if not as partners.

Archives of Freedom Movement, Vol: 168,
Document 67, The Star of India, April 13,1936
& The Indian Annual Register, 1936, Vol:I p.296

72

Interview regarding the Constitutional Reforms, April 20, 1936.

Mr. M. A. Jinnah, President of the All India Muslim League, in an interview said that what was of real importance to the people of India, in fact the immediate issue, was law and order. He wished His Excellency would look into the root causes which disturb law and order and not take it for granted that suddenly large classes of people in India had become criminals and therefore the ordinary judicial procedure should be departed from and that the only method of dealing with the situation was "by repressive measures, executive orders and detention of people without trial."

The factors which threaten law and order in India, according to Mr. Jinnah, were mainly due to the policy that had been adopted by the British Government in India for the last 10 years. It was surprising that His Excellency had forgotten altogether the history of the last ten years and taken it for granted that the people should accept the provincial scheme laid down by the Government of India Act whose natural crown and summit, to put it in his language, would be the All India Federation.

"Surely", said Mr. Jinnah, "His Excellency must have some information that the scheme of so-called provincial autonomy is not acceptable to the people, and that the natural crown of All India Federation has been totally condemned by every section of public opinion. His pronouncement amounts to this: The British Parliament has forced the Constitution upon India and therefore we must accept it. It is not a question of doubts nor half-heartedness. it is not a question of this or that element in the plan of constitutional reforms which Parliament has forced upon us. It is a vital and a fundamental difference on basic principals with regard to the central scheme and opposition to the provincial scheme as to the most highly objectionable features which render real autonomy nugatory."

"I hope", Mr. Jinnah concluded, "His Excellency will not follow the usual definition of cooperation and goodwill, namely, 'submit and do as we tell you'. That is not my idea of cooperation. There cannot be the real respect and trust which His Excellency desires unless India is treated on a footing of complete equality and on a basis of true partnership as a member of the British Commonwealth."

The Statesman, April 21, 1936.

73

Statement regarding his speech at Maiden's Hotel, New Delhi, April 27, 1936

Mr. M. A. Jinnah has made a statement as follows:

"I regret to notice that a wrong impression has been created in a certain section of the Press in Delhi about the short speech I made at Maiden's Hotel yesterday. There was no cheap sneer at the Congress, as is suggested. On the contrary, I said that Hindus cannot take Muslims seriously and that the Congress does not take us seriously because so far as we Muslims have not proved ourselves worthy of alliance, and that until we do show by our deeds and by our policy that we are ready to take a proper place in the national life of the country, there cannot be a wholehearted and real settlement.

"My advice to Muslims was that they should first organise themselves and deserve before they desired. We Muslims are engaged in the task of organising electorates and training 80 million Muslims to the higher level of political understanding so that they might be soldiers ultimately for the national struggle. I have always felt that if Muslims would speak with one voice a settlement between Hindus and Muslims would come quickly. Muslims are making a mistake if they lean either on the Government or the Congress.

"While Muslims are therefore justified in putting their own affairs in order and in organising themselves, it does not mean that, in the meanwhile they should not stand as firmly by national interests. In fact they should prove that their patriotism is unsullied and that their love of India and her progress is no less than of any other community in the country. Those Hindus who say we Muslims are intruders are making a great mistake and Muslims should not take any notice of them."

The Civil & Military Gazette, April 28, 1936.

74

Statement regarding formation of Muslim League Parliamentary Boards, New Delhi, April 27, 1936.

"It is likely that I shall announce the personnel of the central Parliamentary Board from Srinagar", said Mr.. Jinnah to an Associated Press representative. He added that the Board would consist of about 45 members representing all the provinces, as members of each Province would *ipso facto* become conveners of the Provincial Parliamentary Boards. Explaining the proposed procedure, Mr. Jinnah said that he would summon a meeting of the Central Parliamentary Board sometime in June, when rules and regulations for carrying out the objects of the Board would be framed. The Central Board would be empowered to constitute or affiliate Provincial Parliamentary Boards. These Provincial Parliamentary Boards, when formed, would frame their own rules so as to conduct business in their respective provincial legislatures. After these Provincial Boards had been constituted and commenced functioning, their task would be to organise elections in various constituencies of each province and contest seats on the ticket of the Muslim League and on the general policy and programme to be laid down by the Central Parliamentary Board.

Mr. Jinnah concluded: "When our representatives are returned to the various provincial legislatures, they will be entitled to co-operate or coalesce with any group or groups whose aims and ideals are approximate to those of the Muslim League."

The Civil & Military Gazette, April 28, 1936.

75

Statement announcing the names of the members of the Leagaue's Central Parliamentary Board, Srinagar, May 21, 1936.

Mr. M. A. Jinnah announces the following as members of the Central Parliamentary Board of the All-India Muslim League:

Bengal: The Nawab of Dacca, Mr. Fazal Hussain, Khan Bahadur Abdul Momen, Maulana Akram Khan, Mr. Shahid Suhrawardy, Mr. Abdul Rahman Sadiqi, Mr. H.M. Isphani and Mr. Mujibar Rahman.

Madras: Syed Murtaza Sahib Bahadur, Mr. Abdul Hamid, Mr. Jamal Muhammad and Mr. B. Poker.

United Provinces: The Nawab of Chhatari, Nawab Ismail Khan, Nawabzada Liaquat Ali Khan, the Maharajah of Mahmudabad, the Raja of Salempore, Maulana Shaukat Ali, Mr. Khaliq-uz-Zaman, Maulana Hassan Ahmad and Nawab Sir Muhammad Yusuf.

Bihar: Mr. Syed Abdul Aziz, Maulana Sajjad Phulwari Sharif, Mr. A. Hafiz Shah, Masud Ahmad and Mufti Kifayat Ullah.

Central Provinces: Mr. Rouf Shah and Mr. Shariff.

Assam: Mr. Abdul Matin Choudhuri and Mr. M. A. Razzaque.

Sind: Sheikh Abdul Majid, Hakim Fateh Muhammad Sharwani, Moulvi Muhammad Sidiq Khadda and Muhammad Hashim Gazdar.

N.W.F.P.: Malik Pir Bux, M.L.C., Maulana Allah Bux Yusaf, Maulana Abdul Rahim Gaznwi and Malik Khuda Bakhsh, M.L.C.

Punjab: Sir Muhammad Iqbal, Maulana Zaffar Ali Khan, Maulana Muhammad Ishaq Khan Mansehravi Mian Abdul Aziz, Syed Zianulabudin, Maulana Abdul Qadir Kasuri, the Hon. Raja Ghazanfar Ali Khan, Sheikh Hisamuddin, Chaudhuri Afzal Haq, M.L.C., Ch. Abdul Aziz of Begowal and Khwaja Gulam Hussain.

Delhi: Maulana Ahmad Saeed

Bombay: Sir Sullieman Cassim Mitha, Mr. R.M. Chinoy, Mr. Abubacker Beg Muhammad, Mr. Ismail Chundrigar, the Thakore Sahib of Kerwad M.L.C. and Khan Bahadur Salam Din.

The first meeting of the Central Board will take place at Lahore on June 8. (A.P.I.)

The Star of India, May 23, 1936.

76

Statement regarding Parliamentry Boards, Srinagar, May 28, 1936.

Mr. M. A. Jinnah, in the course of a statement, appended to the list of members of the Central Parliamentary Board, which has been constituted in pursuance of the resolution passed by the All India Muslim League in Delhi says:-

"I have taken all the trouble that was possible to see that the Central Board is made as ruby representative of the Mussalmans of India as possible. If I have omitted any name or names and I am fully conscious that is possible — I regret such omission and hope that considering the great task and the obligation that was imposed upon me to constitute this Board, the Mussalmans will loyally abide by my selection and of course, the Board will have power to add to its number and, therefore, any omission or over sight on my part can be rectified by the Board itself by electing any additional person or persons as members of the Central Board.

"I may here state that I have not been able to get proper information with regard to the Province of Orissa and, therefore, I have not been able to select the members of that province for the Central Board, but this can be done also by the Central Board".

Mr. Jinnah has invited members to attend the first meeting of the Central Board which will be held in Lahore on June 8.

The agenda for this meeting includes: the adoption of the Draft Rules, the formation of the general policy and programme of the League for the purpose of contesting the approaching elections to the Provincial Legislatures; constitution and affiliation of Provincial Parliamentary Boards and organising the public opinion and the ways and means of doing so. (A.P.I.)

The Star of India, May 29, 1936.

77

Speech in reply to the address presented by the All Jammu and Kashmir Muslim Conference, Srinagar, June 3, 1936.

Replying to the address, Mr. Jinnah said, "I am deeply moved that an address of this glowing character describing me in these culogistic terms should be presented by the Jammu and Kashmir Mussalmans for whom I have done nothing. You have praised me beyond words and honestly I don't half deserve what you have said. I appreciate the spirit, affection, regard and respect that you have shown me and the language that you have used in the address. I am only a visitor here, a bird of passage in this beautiful land of yours which I love, land that you possess.

"Gentlemen! I was here 10 years ago and from that day and today I am glad to find that the citizens of Jammu and Kashmir are awake. It has come to you — this awakening — and naturally one who has stood and will always stand for freedom of the people will appreciate the movement and msut stand for the right of the people to govern their own affairs. I can show my respect and sincere sympathy with your movement.

"In your Address you have mentioned that I have always stood for freedom. I want you to understand that your struggle for freedom and my struggle for freedom in British India stand on the same footing. While I am offering you my sympathies and good wishes may I request you to give me your good wishes and sympathies in my British Indian affairs (*Voices-Most surely*). I am sure that you will have sympathy with those who struggle for their right to govern their own affairs.

"In your address you have mentioned my solicitude for Hindu and Muslim unity. This unity, I assure you, is not merely a lip expression nor a diplomatic statement on my part. I say from the bottom of my heart that I have worked for years and that I shall continue to work for it. I believe that without this unity there is no hope for British Indians to rule India. I do not understand your problems here. I therefore won't hazard my opinion. But I will, however, urge one thing upon you and the leaders, that is to make the minorities — Hindus — always feel that they will receive justice and fair play in the State. It is the duty of the majority to make them feel so. I have tried this principle in British India and have not succeeded in convincing some of the leaders that there is no hope for their freedom without this principle being adopted. I will say that without the minorities feeling that there will be fair play on the part of majority, you will always have a sore festering in your body politic."

The Tribune, June 10, 1936

78

Statement at the meeting of the first session of the Muslim Parliamentary Board, Lahore, June 9, 1936.

It is stated that the meting commenced with a short statement by Mr. M. A. Jinnah reviewing the situation after which various questions were asked by members to which Mr. Jinnah replied.

It is expected that at to-morrow's meeting the Board will appoint a sub-committee to draw up a programme and policy which will form the manifesto of the Board and which is expected to be issued at the conclusion of the present session.

The Star of India, June 10, 1936.

79

Statement regarding the Muslim League Central Parliamentary Board, Lahore, June 9, 1936.

Interviewed, regarding the press reports that certain members from the U.P. had declined to serve on the Board, Mr. Jinnah said that he had not received any communication from any member except from Mr. Abdul Aziz (Bihar) who had written him a letter declining to serve on the Board. Mr. Jinnah added that he had received letters from many absentee members extending their wholehearted support to the Board. (A.P.I.)

The Star of India, June 11, 1936.

80

Statement regarding Civil Liberties Union, Lahore, June 9, 1936.

When a newspaper report that Mr. Jinnah's name had been included in a Committee formed in connection with the Civil Liberties Union at Bombay was brought to Mr. Jinnah's notice, he replied that he knew nothing about the Committee and had not agreed to serve thereon.

The Star of India, June 11, 1936.

81

Statement to the Press, Lahore, June 11, 1936.

"I most earnestly appeal to every Muslim to join the League and vote for the League candidates and nobody else, because the League's aim is to maintain the solidarity of Muslims all over India and not to be carried away by provincial cliques."

The Civil & Military Gazette, June 12, 1936.

82

Statement regarding the unwillingness of certain Muslim Leaders to serve on the League Central Parliamentary Board, Bombay, June 21, 1936.

Interviewed by the Associated Press regarding the unwillingness of certain Muslim leaders from the U.P. and Bihar to serve on the Muslim Central Parliamentary Board, Mr. M. A. Jinnah, President of the Board, said: "I have received information from the Nawab of Chhattari that he has changed his mind regrading serving on the Muslim League Central Parliamentary Board. When he agreed to serve on the Board he knew and understood everything. He has now suddenly realised that there is need for mixed unity in the U.P. I think those who read and understood the policy and the programme the League published had no difficulty in understanding that we should be free to cooperate with any group; whose aims were approximately similar to those of the All India Muslim League.

The Nawab's Letter

"I received a letter from the Nawab of Chattari on May 10 after he had agreed to serve on the Board, and one point he emphasised was that I should add the names of Sir Muhammad Yusuf and Mr. Syed Ali Zaheer to the Board. It was in deference to his wishes that I stretched a point and appointed Sir Muhammad Yusuf on the Board but I did not appoint Mr. Syed Ali Zaheer as it was not possible to increase the U.P. quota on the Central Board. As for Sir Muhammad Yusuf the less said the better, and it is curious that he still expresses his wish to serve on the Board provided that he is allowed to stand on the League as well as on the National Agricultural Party tickets. I am surprised that a man who has been a Minister in the U.P. Government and has taken an active part in the public life of the country should have made a suggestion which is obviously absurd."

Regarding Mr. Zafar Ali Khan, Mr. Jinnah stated that his reasons for not serving on the Board had already been published in the papers. He believed in a creed of complete independence which was not the creed of the League. As for Mr. Abdul Aziz from Bihar he completely approves the objects of the League, but believes the elements on the Board will not lead to a harmonious working programme.

"Thus it will be seen" said Mr. Jinnah, "that out of 56 leading men who have been appointed on the Board so far only four have expressed their unwillingness to serve. I appeal to all Muslim voters to support the League policy and programme." (A.P.)

The Civil & Military Gazette, June 23, 1936.

83

Speech at a public meeting held under the auspices of the Young Muslim Brotherhood and the Bohra Youth League, Bombay, July 24, 1936.

For the first time in the history of the Muslim League, a vigorous attempt was being made to establish contact between the League and the Muslims in the country, declared Mr. M. A. Jinnah addressing a public meeting held under the auspices of the Young Muslim Brotherhood and the Bohra Youth League.

Mr. Jinnah's Appeal

Mr. Jinnah said that he appealed to the Mussalmans to support the League which should attain a position so as to be able to speak with unchallenged authority for the 80 million Mussalmans in India. Mr. Jinnah held out the assurance that he never intended to prove an obstruction or create difficulties in the path of achieving national unity and was always ready to co-operate with those parties whose aims and objects were the same as those of the League.

Continuing Mr. Jinnah said that it was a fortunate day for the Mussalmans when by a resolution on April 12, 1936, the All India Muslim League session held in Bombay decided that contact with masses be established. The adoption of such a policy was no small advance for the League considering the conditions in which they were living at present. Today there was no organised channel through which the Mussalmans in India could express their feelings or sentiments and there was no organisation which could speak with unchallenged authority for the 80 million Mussalmans in India. Mr. Jinnah referring to his critics observed that there was a feeling in one section that the Muslims would be dragged into the fold of the reactionaries. On the other hand, there was also the misgiving among the conservative section that the Muslims might be led by Mr. Jinnah to the Congress or extreme left.

Mussalmans Should Judge For Themselves

Mr. Jinnah replied that the Mussalmans alone should judge for themselves where to go and where not to go. Why should the critics go on making prophecies? So long as separate electorates existed, the separate organisation of Mussalmans was an inevitable corollary. But that did not mean that such a position was an ideal one or that he was satisfied with it. He had, however, to deal with realities and would do his best in the circumstances.

Mr. Jinnah maintained the failure to attain unity between the Hindus and the Muslims was because attempts were made in the past only at the top though with the best of intentions and with all sincerity and patriotism. He, therefore, wanted to build the foundation and carry the community with him so that real and genuine unity could be achieved. It was not proper that a handful of men at the top should decide the question. The masses should be persuaded and educated in that direction so that lasting unity could be attained. "Those who bless us, we thank them; those who sympathise with us, we appreciate their sympathy; those who oppose us, we resist them. We shall go on undeterred by any opposition from any quarter," concluded Mr. Jinnah. (A.P.I.)

The Star of India, July 29, 1936.

84

Speech in reply to the address presented by the Lucknow Municipal Board, Lucknow, August 11, 1936.

Mr. Jinnah, replying appealed to every Indian to work for not only amity among the two major communities of India but also for unity in the whole of the Indian nation. Dealing with the Indianisation of the army, he said that he was far from satisfied with the Government's policy and would strive hard for greater acceleration in the pace of Indianisation.

The Statesman, August 15, 1936.

85

Speech at the All-India Students Conference, Lucknow, August 13, 1936.

In the course of his presidential address, Mr. Jinnah congratulated the students for having gathered at Lucknow from all parts of the country in order to encourage cultural and intellectual co-operation among them who belong to various provinces. He was also glad to find the students of every community, caste and creed on the same platform and characterised it as a bright spot on India's future horizon. Proceeding, Mr. Jinnah reiterated what Pandit Jawaharlal Nehru said the previous day that students should keep their eyes open to what was happening in the world today and also realise actualities and realities of the present-day problem.

"India today," said Mr. Jinnah, "is torn into divisions and your endeavour should be to tackle this question and find ways and means to solve the problem". Mr. Jinnah was a bit outspoken when he was referring to the future of India and on what line the regeneration should come. "I am not at all afraid of a revolution", he declared, "if that is necessary for the country, I will say yes'. I am not afraid of bloodshed either". However, Mr. Jinnah appealed to the students to acquire a mentality and disciplined mind wherein they would be capable of taking right judgement.

Continuing Mr. Jinnah observed that India, in spite of all the existing differences and divisions today, was pulsating with a new life and that the ideas of the younger generation were running on the path of achieving complete political freedom for the country. The current might not be noticeable on the surface but the material was developing unnoticed. He would not be surprised, if on one fine day, all the broken pieces were joined and a new history was written. He therefore appealed to the students not to think of the problems that are facing the country in terms of religion, but teach a lesson to their elders who were spoiling the national life by their communalism.

The Tribune, August 14, 1936.

86

Speech at a gathering regarding formation of the U.P. Muslim League Parliamentary Board, Lucknow, August 15, 1936.

About 400 Muslims from all parts of the province met here to form the U.P. Muslim League Parliamentary Board. The meeting was not open to the Press but from various sources it is understood that Mr. Jinnah urged that it was high time the All India Muslim League, which has for many years been nothing more than an academic body with no real contact with the Muslim masses, should become a living organization. He declared that while India was throbbing with political consciousness 80,000,000 Muslims were sleeping. The passage of the Government of India Act, 1935, afforded an opportunity to the community to organise itself and by a resolution at Bombay an All India Muslim League Parliamentary Board had been authorised. There were now 56 members on the Board and the League was open to every Muslim who agreed with its basic principles. In fact, it was the duty of every Muslim to become a member of the League.

Non-Communal Basis

He denied that the League's primary aim was to encourage the communal basis. Anyone who read the League Parliamentary Board's manifesto could not say that the League was a communal body but at the same time it was only natural for Muslims to organise as a separate entity. By uniting under one banner, Muslims could make a great contribution towards the freedom of India. Mr. Jinnah added that he would be perfectly happy if Hindus would also organise one united League. It would then be much easier for the best brains in the two communities to sit together to decide national issues. Mr. Jinnah concluded by appealing to Muslims to forget past differences and join the League creed. Only one group would be excluded. Those persons who were past redemption, who went about seeking their own interests and thought nothing of personal aggrandisement at the expense of the community. In the past the League had been dominated by such people but now they should receive no quarter in this body.

The Statesman, August 17, 1936.

87

Press interview regarding formation of the League Parliamentary Board in the United Provinces, Calcutta, August 17, 1936

Interviewed by a representative of the *Statesman*, Mr. Jinnah expressed himself enthusiastically about his successful tour in the United Provinces and the formation of a Muslim League Parliamentary Board in Lucknow. The Board in the United Provinces, Mr. Jinnah stated, was now firmly established with the Raja of Salempore as its chairman and it would now go ahead with its electioneering campaign. He was struck by the spirit of co-operation and unity that he had witnessed there. "I left the province," he said, "full of hope and I have every reason to believe that Muhammadans of other provinces will follow the example of the United Provinces. I also expect Bengal to rise to the occasion and establish a Muslim League Parliamentary Board in the province. "I am," he added, "carrying on conversations with various leaders and I am hopeful that the Muhammadans of Bengal will be united as one party under the banner of the All India Muslim League. Madras, Bombay, the Punjab, the United Provinces and Assam have already formed their Muslim League Parliamentary Boards and Bengal must not lag behind."

The Statesman, August 18, 1936.

88

Speech in reply to an address presented by the All Bengal Muslim Students' Association, Calcutta, August 17, 1936.

"We are aiming at the solidarity of the Muslims not with a view to quarrel with our sister communities, but in order to weed out the bad elements that exist in our midst," declared Mr. M. A. Jinnah, addressing a largely attended meeting in Albert Hall, Calcutta, when an address of welcome was presented to him by the All Bengal Muslim Students' Association. Mr. A.K. Fazlul Haq presided.

"We want to produce", Mr. Jinnah continued, "independent, progressive and fearless men who will work sincerely for the country, and when we have done that, we mean to make as great a contribution to the freedom of our motherland as any other community." Mr. Jinnah said that they had among them elements whose domination must cease. The reactionary elements and coteries must be overpowered. They wanted the Muslims by organizing themselves to come into their own; they also wanted the Hindus to come into their own. He was sure that the loftier minds in the two communities would come to an agreement. "Those who misrepresent us will not succeed; those who bless us, we thank them; those who sympathise with us, we appreciate their sympathy, but those who obstruct us and put difficulties in our way we shall resist them," added Mr. Jinnah.

He appealed to Hindu and Muslim students to make friends and understand and tolerate one another. That, he said, was the only certain way to build up the nation
was no doubt that the burden of the onward march for the freedom of the motherland would fall on them. He asked the students to show a better example to their elders who, he said, were quarrelling over petty matters. He suggested that the students should come under one organization irrespective of castes and communities. Mr. Jinnah added that students might help in many ways those who were doing some good work. So far as Muslim students were concerned, he asked them to carry the banner of the Muslim League. The League, he said, did not stand only for the Muslims for really it aimed at the

achievement of national freedom.

The Statesman, August 19, 1936.

89

Address at the Muslim Chamber of Commerce, Calcutta, August 18, 1936.

Mr. M. A. Jinnah visited the Muslim Chamber of Commerce to have an informal discussion with the members of the Committee. The conversion mainly related to the subject of the proposed Indo-British Trade Agreement.

Mr. Jinnah pointed out that he had dealt with the problem of preferences in his speech in the Assembly in the Ottawa debate and he was convinced that it was not in the interest of India to enter into any trade agreement with the United Kingdom on the basis of the Ottawa preferences. Provisions should also be made for separate agreement with other countries such as Germany with whom India had extensive trade connections in the past. Restrictions imposed on trade and commerce in different countries of the world, Mr. Jinnah added, constituted a serious problem and any scheme which did not add to this state would probably be more welcome in the present circumstances. In reply to a question. Mr. Jinnah said that the Assembly would certainly ask the Government to make arrangements to enter into trade pacts with other countries as well, because this point was made perfectly clear during the Ottawa debate in the Assembly, that India should not be deprived of her foreign markets because of the fact that no trade agreements existed between such countries and India.

Mr. M. A. Ispahani, President of the Chamber, pointed out the difficulties of the members of the Muslim Chamber of

Commerce, who control a very high percentage of trade and commerce, on account of the fact that adequate representation has not been given to this Chamber in the Federal Assembly. Mr. Jinnah promised to watch the interests of the Chamber in the Assembly and said that he realised the difficult position in which the members were placed with regard to their representation in the Central Legislature.

The Star of India, August 20, 1936.

90

Speech in reply to an address presented by the Calcutta Islamia College Union, Calcutta, August 19, 1936

"I think the Muslims will be the strongest and stablest element of the future Government of our country and if they are organised they will make an even greater contribution to the freedom of India than any other community," said Mr. M. A. Jinnah replying to an address presented to him by members of the Calcutta Islamia College Union. He advised the students not to take part in active and aggressive politics of the country but to keep abreast of what was going on in the country and the world around them. Mr. Jinnah then explained the aims and objects of the All India Muslim League. The Muslim League, he pointed out, had so far been only a dialectic body having no contact with the intelligentsia and the Muslim masses. There was no regular Muslim organization. The Muslims were in a part of no-man's land where any adventurer could come and masquerade as a representative of 80 millions of Muhammadans. This state of things, he said, could not be allowed to continue a day longer. Besides, in view of the coming constitution it was essential for the Muslims to organise themselves under the banner of the

League as one united solid party.

Past Mistakes

The Muslims had suffered a great deal in the past through lack of organization. Their voters were never approached in a systematic manner. People somehow got themselves elected. But once inside the legislature, they did as they pleased. The result was that some of them went into the Government lobby and some with the opposition. Some chose to go wherever their interests lay. There were as many speeches as there were members and as much opinion as there were Parties. There must be an end to this state of affairs and with this object in view the Muslim League had set up parliamentary Boards.

It has been said that their would be a communal party, but then, Mr. Jinnah continued, there was no other door open to them. So long as separate electorates stood, the natural corollary was that they would have separate Muhammadan voters. But in their scheme they had made it clear that they would cooperate or coalesce with any other group or groups in the legislatures whose aims and ideals were approximately the same as those of the Muslim Parliamentary Board.

Reply to critics

A criticism had been made that his predictions bore strong that he would take the Muslims into the Congress camp straight away and that there were people in the personnel of the League Parliamentary Board who, in spite of the presence of Mr. Jinnah, would side with the Government. This, Mr. Jinnah assured, would be impossible having regard to the schemes of the Board and its strict rules. Their rules had been framed with the sole object of choosing their best men. Besides their policy and programme were a complete answer to such criticisms. If, Mr. Jinnah added, they were able to send their best men to the legislatures and if their sister communities also were able to do so, then the better minds of Hindus and Muhammadans would be able to adjust their differences and come to a resettlement. Such an adjustment would be real and genuine.

The Statesman, August 20, 1936.

91

Speech at a public meeting, Caluctta, August 20, 1936

A crowded meeting of the Muslims of Calcutta was held at the Town Hall. Mr. Adamji Haji Dawood presided. A welcome address was presented to Mr. Jinnah on behalf of Bengal Muslims.

Replying to the address Mr. Jinnah spoke with some bitterness born, perhaps, of the stiff opposition to his plan of Muslim solidarity through the Muslim League Parliamentary Board which the Proja Party is offering. He began by saying "I am thankful to the Muslims of Bengal for the great honour they have done me. I appreciate it all the more because it is an honour from Muslim Bengal which constitutes 40 p.c. of the entire Muslim India. But do you want to honour and welcome me by your words or actions? The speaker then said that he had come to Bengal at the joint and unanimous invitation of the three Muslim groups of Bengal *viz*., Proja Party, United Muslim Party and Presidency Muslim League. It was apparent from the tone and temper of Mr. Jinnah's speech that he was not very hopeful of the results of his negotiations.

Referring to national unity he said:

"Ours is not a hostile movement. Ours is a movement which carries the olive branch to every sister community. We are willing to cooperate, we are willing to coalesce with any group or groups provided their ideals, their objects are approximately the same as ours."

Tradition of 30 Years

Appealing to Muslims to come under the banner of the All India Muslim League Mr. Jinnah said that as the oldest political organization of the Muslims founded at Dacca the League has got a tradition and history of 30 years to fall back upon. So far the League had been in hands of groups. It was now time to convert it into an all India mass organization which might speak with authority and one voice on behalf of the 80 million Muslims of India. It must have a sanction of public opinion behind it. Only the All India Muslim League could play this role in the future constitution of India. He said: "I ask the Muslims, to whatever group they may belong, to rally round this one flag and to produce that unity and that united front which will enable us to have our due place under the sun and our due share in the Government of the country."

'Patrika' Refuted

Mr. Jinnah further very vehemently refuted the misrepresentation made in the course of editorial notes by the *Amrita Bazar Patrika*. He said: "But I must say there are some quarters which will try to misrepresent us. I am confident that they will fail. For instance, I read this morning a leader in the *Amrita Bazar Patrika*, a journal of some standing and reputation. It has made certain statements referring to me which are totally false. I give you one example. The *Amrita Bazar Patrika* says:

"The surprise of the student community will not certainly tend to diminish when they discover that Mr. Jinnah who had stoutly defended the system of separate electorate for his own community at the Round Table Conference was the same amiable gentleman who stood before them and suggested that 'the students of Bengal should come under one organisation, irrespective of caste or creed.'

"Let me tell you publicly that it is untrue that I fought for separate electorates. Over and over again not only I but the Muslim delegation unanimously were willing to come to a settlement on the basis of joint electorate. We do not mind that the newspapers should criticise us. I welcome criticisms. But I must repel misrepresentation of facts of this character. By doing this the *Amrita Bazar Patrika* is doing the greatest disservice not only to the community for whom it speaks or professes to speak, but doing the greatest disservice to the advancement and welfare of India."

Mr. Jinnah again fervently appealed for Muslim unity in Bengal and said:" "If the Muslim League is triumphant, you will be educating and training people as an organised, disciplined team and you will be sending men through this single machinery for the purpose of contesting the forthcoming elections. You require men to represent you truly, faithfully and loyally. If you succeeded in bringing about that development outside the Legislatures and inside the Legislatures, I have no doubt in my mind that you would be making the greatest contributions to the advancement, welfare and to the attainment of freedom for India.

All India Unity Needed

"I wish to see Muslim unity realized before I leave Calcutta. If you achieve unity in Bengal of a solid and substantial section of the Muslims there is a bright day for Bengal. But you must look beyond your own province. You cannot neglect your brethren of faith in other provinces. There are all India issues, all India problems — vital problems that have arisen and will arise from time to time. If the entire Muslims of India were politically organized and if they remain united then they will be forging sanctions behind them in order to play their part in the decision of all India questions. Bengal Muslims cannot neglect their brethren of other provinces. You msut be united under one banner of the League and go forward fearlessly. This is the only way of getting your share, your due share, in the administration of your country. The fate of the Muslims of all provinces is bound together. They constitute an indivisible whole and a single political entity. They must rise and fall together.

Rise Above Pettiness

"Sink your differences, destroy personalities and jealousies. Rise above them. You see in front of you all India pulsating and throbbing with political consciousness and the youths of Muslims and Hindus throbbing with a new life to attain freedom for us! This is not normal times. We are going through very stirring times. I say it is a most critical moment and do not allow this to be missed by you."

The Star of India, August 21, 1936.

92

Speech at a meeting of the post-graduate students of Calcutta University, Calcutta; August 21, 1936.

"In the course of your career as students — whether you are Hindus or Muhammadans, Christians or Parsees or Buddhist — constantly coming in contact with each other, remember you have a golden opportunity of understanding each other, of knowing each other, of exchanging your views and of claiming lifelong friendship," observed Mr. M. A. Jinnah, addressing a crowded meeting of the students of the post-graduate department of the Calcutta University at the Asutosh Hall. Mr. Shyama Prasad Mookerjee, Vice-Chancellor of the Calcutta University, presided.

Mr. Jinnah said that he was very glad that the students recognised him as a nationalist. It was perfectly true and he was proud of it. Their goal was that they must attain freedom for their country. They should not quarrel over words. Some people thought that it would be necessary to state that they stood for independence, other said 'full and complete responsible government; some said 'dominion status'. He thought that they were all agreed on the point. Their one issue, he said, was that 'we want free India and India that has the government of its country in their own hand.'

Problem of Future

Proceeding, Mr. Jinnah said that if they wanted to attain that goal, three things were necessary – defence, education and knowledge and trade, industry and finance. That was, in his opinion, knowledge for independence, knowledge for responsible government, they might call it dominion status if they liked. How they were going to attain the same, he continued, was the problem before them. They were without defence forces. They must confess that man was strong or the strongest who knew his own faults and his own weakness. They were today divided. In the first instance the communities that existed in their midst were not agreed.

"You cannot all of a sudden make a new world or make a paradise. You are going through a process for the attainment of freedom. You ought to go through the crucifix of fire, suffering and sacrifices. Don't be disheartened. Nations are not built in a day. But as we are going on let us adopt those steps which will take us forward and not backward. Remember you cannot stand still for a very long time, either go forward or backward." Mr. Jinnah appealed to the youngmen – as, he said, he had appealed to the conference of All India Students in Lucknow – to study the realities, analyse them and then build their decision. That was the first thing he wanted to impress upon them. The second thing was to understand each other during their contact with students of various communities and to make friends with them.

"Remember, added Mr. Jinnah, "India cannot make any progress and India's salvation lies in the unity of all communities especially the Hindus and Muslims. It is for you not to brush aside and be carried away by whims, caprices and theories; but find a solution as statesmen, as practical politicians and unless you find a solution of this problem, you will not make any real progress. It is up to you all, whether as Hindus and Muslims or Parsees or Christians, it is up to you, neither as a Hindu nor as a Muslim but as an Indian to find this solution because this question must be solved and without a complete solution of this question India cannot make any appreciable progress in the direction of freedom."

Third Party Handicap

Concluding Mr. Jinnah said: "Strong as you look to a third party, so long as you depend upon a third party, you stand condemned and are unfit for self-government. If there are differences and disputes between yourselves, you know to rise to the occasion and settle them amongst yourselves, as friends, as partners and as countrymen. This is the problem that will have to be solved." (Applause).

The Star of India, August 24, 1936.

93

Message to the Muslims of Bengal, Calcutta, August 26, 1936.

"My message to the Mussalmans of Bengal is to support the All India Muslim League wholeheartedly and work under its banner", said Mr. M. A. Jinnah, who is returning to Bombay.

He added the Mussalmans of Bengal were united under the wise guidance of their leaders and occupied a unique position not only so far as their own interests were concerned but all over India. They would be almost a deciding factor in regard to the fortune of the province and were in a position to help in the attainment of freedom for India more than any other section. He sincerely hoped that they would use their power and influence wisely and in a statesman like manner. (A.P.I.)

The Tribune, August 2, 1936.

94

Press interview on his return from his tour of the U.P. and Bengal, Bombay, August 28, 1936.

"I assure the public that in the formation of provincial boards of the All India Muslim League, we have not lost sight of the basic principle that ours must be a party of progressive, patriotic and independent men who will not only serve Mussalmans but India as a whole", said Mr. Jinnah in the course of a press interview on his return from his tour of the U.P. and Bengal. Mr. Jinnah said that he had come back doubly assured by his followers in the U.P. and Bengal that the Muslim League would get the fullest backing from progressive and independent Mussalmans and almost all sections of politically minded Mussalmans.

Mr. Jinnah declined to comment on the Congress election manifesto. He was confident that the Muslim League would capture almost all seats. His tour in Bengal, he stated, had shown that all progressive sections of Mussalmans were anxious to work under the banner of the All India Muslim League Parliamentary Board.

The Civil & Military Gazette, August 30, 1936.

95

Speech in the Central Legislative Assembly on the Indian Companies (Amendment) Bill, Simla, September 8, 1936

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move for leave to introduce a Bill further to amend the Indian Companies Act, 1913, for certain purposes.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Companies Act, 1913, for certain purposes."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

. . . . .

The Honourable Sir Nripendra Sircar (Law Member): Sir I move:

"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration."

Sir, when I introduced this Bill in April last, I gave a fairly long explanation of the reasons which induced the Government to stat this measure and also explained why certain changes were thought necessary in the existing Act of 1913. The matter now is for consideration of the Report of the Select Committee. The course I propose to follow, Sir, subject to anything which may be said here, is this. I propose to explain and to indicate to the House the major changes which have taken place in the Select Committee, because there are a very large number of changes which are either extremely trivial or merely drafting corrections. Having done that, I do not propose to enter into a general discussion at this stage. As to what course the debate will follow, that is a matter entirely for this House. Some Honourable Members may prefer to wait until the particular clauses are taken up; other Honourable Members may like to speak on matters of importance at this stage of the debate.....

. . . . .

The Honourable Sir Nripendra Sircar: May I put a question to the Honourable Member? With regard to the suggestion that two-thirds of the removable directors should be elected by the shareholders, is my Honourable friend's amendment directed to make it retrospective or is it for new comers?

Pandit Govind Ballabh Pant: It should come into force only after the commencement of the Act. I do not give it retrospective effect.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I draw the Honourable the Law Member's attention that it is impossible to hear a single word from that bench by Members who are sitting on this side of the House?

The Honourable Sir Nripendra Sircar: I am sorry. I shall repeat what I said. I was informed by my Honourable friend, Pandit Govind Ballbah Pant, that he has suggested an amendment that at least two-thirds of the directors should be elected by the shareholders. I asked him whether he wanted that to apply to new companies which will be incorporated after this Act of 1936 or he wanted to make it retrospective. To that I have got the answer that he does not want to make it retrospective, but he wants to apply it only to new companies.

Pandit Govind Ballabh Pant: Then, I have a proposal which may be styled as more or less revolutionary. I am prepared to accept that it is so and I like it all the more because it is revolutionary for great changes of a genuine type for the good of the people cannot usually be brought about except through revolution. This revolutionary proposal of mine in this matter is to the effect that the directors should be elected by the system of proportional representation by means of a single non-transferable vote in accordance with rules to be framed under the section which gives such power to the Governor General.......

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Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I ask the Honourable Member whether it is open to any Honourable Member now at this stage of the Bill to move that the managing agency system should be abolished? It seems to me the Bill had gone to a Select Committee and that Committee have made their report, and one of the basic principles of the Bill is that the managing agency is accepted. The only question is how it should be improved or how the evils should be cured. Is it necessary for us to discuss the question whether the managing agency system should be abolished straightaway?

The Honourable Sir Nripendra Sircar: As this is not a point of order, all I will say is this that I am not discussing it from the point of view that the managing agency system should not be abolished. But I have got to justify why they have been given 20 years, why they have not been directed to be shot at sight. I have got to explain how long the nursing has got to be done by the managing agents, and what is the amount of risk they take and so on, and it is with a view to show that to proceed further than what we have done in the Bill will be an expropriation which is not justified by the necessities of the case and which will not be fair to the existing managing agents in spite of the abuses which in some cases have been proved. That is the point of view from which I am addressing this House and not with a view to arguing the question of abolition.....I think I told the House........

. . . . .

Mr. Sri Prakasa: What do the managing agents themselves want after all the losses they have suffered?

Sir H.P. Mody: Perpetual tenure.

The Honourable Sir Nripendra Sircar: Mr. Jinnah is absolutely wrong there. They do not want perpetual tenure. They ask for 20 years.

Mr. M. A. Jinnah: I must protest against what my Honourable friend said, I did not say a word.

Sir H.P. Mody: I said it.

The Honourable Sir Nripendra Sircar: I am very sorry. Now, Sir, the Bombay Chamber of Commerce are satisfied with 20 years. They do not want more. The Bengal Chamber of Commerce takes that view but the Indian Merchants Chamber, the Federated Chambers and the Indian Mercantile interests, most of them want 25, with the exception, I believe, of the Federated Chambers and another who ask for 30. That is the position.

Mr. Sri Prakasa: What do the managing agents themselves say?

The Honourable Sir Nripendra Sircar: There is no association of managing agents.

Mr. Sri Prakasa: They might have submitted their opinion.

The Honourable Sir Nripendra Sircar: They might have but they have not.

Mr. M. A. Jinnah: May I take it that the Government have not tried to ascertain what the managing agents, who are vitally concerned, would like to have.

The Honourable Sir Nripendra Sircar: For the obvious reason that they were very ably represented on the advisory committee which had its sittings for ten days at Delhi.

Mr. M. A. Jinnah: Then you have ascertained their opinion and they are content with 20 years.

The Honourable Sir Nripendra Sircar: That is partly true, partly untrue.

Mr. M. A. Jinnah: Which is the untrue part of it.

The Honourable Sir Nripendra Sircar: I am coming to that. If the Honourable Member thinks that he will prevent me from going on with my speech with these interruptions, he is very much mistaken. It will take a little longer time.

Mr. M. A. Jinnah: I am not used to that sort of practice.

The Honourable Sir Nripendra Sircar: I am not giving way. I do not think my friend has any right to speak, now. What they wanted was this. They wanted 25 years, but, subject to this, that, at the end of 20 years, the shareholders will have the right to get rid of the managing agents by a Resolution. So they really wanted 25 years subject to dismissal after 20 years if a Resolution was passed — 20 years certain and five years dependent on the good wishes of the shareholders. That is what they wanted but that is not what was accepted by the Bill. What was accepted by the Bill will be found in the provisions which are before you.......

Mr. M. A. Jinnah: There is a fresh agreement.

The Honourable Sir Nripendra Sircar: I do not mind the interruption. The other argument which is advanced is — what have they got to fear? If they are good men, they are bound to be reappointed. Sir, I am unable to accept this contention and for this reason. Experience has shown that when the managing agents can be removed – which situation very often arises on account of the financial weakness of the managing agent, – that is the time when an attempt is made by speculators to corner shares, and to get rid of the managing agent to capture the profits which would be due to him. If I may put it in the language of Mr. Lokanathan at page 228 of his book "Industrial Organisation of India"......

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Mr. President (Thee Honourable Sir Abdur Rahim): The Chair understands Mr. Bajoria wants leave to withdraw his amendment.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment".

Honourable Members: Yes.

The amendment was, by leave of the Assembly, withdrawn.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): We have not got a copy of the amendment that the Honourable the Leader of the Opposition is going to move.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I have got an amendment which is more comprehensive than Mr. Bajoria's – I do not know what will be my position. It is No.2 in the Supplementary List No.2.

Mr. President (The Honourable Sir Abdur Rahim):

Does the Honourable Member wish to move it? He can if he wishes to do so.

Mr. Husenbhai Abdullabhai Laljee: I want to move it, Sir. I move:

"That in clause 3 of the Bill, after the proposed sub-section (4) of section 4, the following new sub-section be added:

'(5) Nothing in this section shall apply to family partnerships and firms, which comprises of partners who are all members of the family'."

Sir, the amendment moved by my Honourable friend, Mr. Bajoria, restricted this exemption to the Hindu joint family. I have no objection to that; but I do wish that it may also be extended to other *bona fide* families.....

Mr. President (The Honourable Sir Abdur Rahim): Mr. Bajoria has withdrawn his amendment.

Mr. Husenbhai Abdullabhai Laljee: Yes, Sir; but I am moving this: when I say I have no objection. I mean this amendment would certainly include the desire of my Honourable friend, Mr. Bajoria. My object is that in section 4 we have got four clauses: the first clause restricts people to do business in banking if they are more than ten; the second clause restricts us from doing any other business if we are more than 20......

. . . . .

The Honourable Sir Nripendra Sircar:.....I accept Mr. Husenbhai Laljee's amendment. If the former is allowed to be moved, then I shall accept it, which is more comprehensive. That is the position of the Government, and then it will be for the Chair to decide whether, copies of the amendment not having been supplied, the rule can be waived or not......

Mr. M. A. Jinnah: May I respectfully point out to the Honourable the Law Member that it will be much better that such amendments as there are on this particular question on the list should be carefully examined and that the Government should submit a definite draft of such amendments which they are prepared to accept. Then we can consider them, and if the House has no objection, we can pass them. May I also point out that I am much obliged to my friend the Honourable the Leader of the Opposition for supplying me with a draft copy of the amendment which he proposes to move. May I further point out for the consideration of the Honourable the Law Member that when you say: "This section shall not apply to a joint Hindu family carrying on joint family trade or business and where two or more such joint families form a partnership in computing the number of persons for the purposes of this section minor male members of such families shall be excluded". Does it mean that the whole section is not defined, and the minor members will be excluded not only from the penalty clause but also from the liability......

The Honourable Sir Nripendra Sircar: Yes. That is correct.

Mr. M. A. Jinnah: Whereas the minor members, if there is a profit, will be entitled to a share, but if there is a loss and there is a liability, the minor members of their shares in the joint family will not be liable. That is also a question which I would like the Honourable the Law Member to consider.

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Mr. M. Ananthasayanam Ayyangar: Sir, I move:

"That after clause 4 of the Bill, the following new clause be inserted and the subseuqent clauses be re-numbered accordingly:

'5. To section 10 of the said Act, the following proviso shall be added, namely:

> 'Provided that any povision in the memorandum relating to the appointment of a manager or managing agent and other maters of a like nature incidental or subsidiary to the main objects of the company, shall not be deemed to be such conditions'."

.....

Mr. M. A. Jinnah: It is very difficult to have to deal with these amendments which suddenly spring up, and it is very difficult to weigh the effect of such an amendment. No doubt, the Law Member, who has gone so deeply into this question, will be able to deal with it, and, therefore, I would only put before him what strikes me on the spur of the moment. In the first instance, what is the use of putting anything in the memorandum. When you do put a thing in a memorandum, it is important. Otherwise, there is no menaing in putting it in the memorandum. Section 6 definitely compels you to put certain matters in the memorandum. Now, you are not restricting the memorandum to those matters only. You can put some other matters. When you say you may put other matters or add to the items specified in spection 6, I take it that they will be important, and if they are important, then, why should they be altered except in the way in which section 10 says it should be altered? That is the first question. As the Honourable Member just now pointed out, you may put various things in the memorandum of assocation, and, immediately thereafter, by a special meeting, delete that item from the memorandum. The idea that it should receive the sanction of the Court is a great check, and, therefore, it seems to me in the fist instance that if you put in something in the memorandum of the assocation of your company which you consider is important or vital, it should not be altered except as it is laid down by section 10. Further, it seems to me that if you accept the amendment in the form in which it is drafted, I do not know where it will lead us to. It says:

> "Provided that any provision in the memorandum relating to the appointment of a manager or managing agent and other matters of a like nature incidental or subsidiary to main objects of the company, shall not be deemed to be such condition." .

Well, I do not know, under this clause, how much of it can be exempted from the rigours of the conditions of section 10.

Sir Cowasji Jehangir: It changes the whole meaning of the term "memorandum" as we have understood it.

Mr. M. A. Jinnah: You may also take into account section 12 of the Act which lays down the alterations, – of how the memorandum can be altered. That also has got to be taken into account, but I submit, Sir, that my first point is one which I do ask the Law Member to consider very carefully.

. . . . .

Mr. L.C. Buss: Sir, I beg to move:

"That after the proviso to clause 7 of the Bill, the following further proviso be added:

'Provided further that Regulation 107 shall not be deemed to form part of the Articles of Association of any company if the company in general meeting shall so determine'.".....

. . . . .

Mr. Bhulabhai J. Desai: Sir, the provisions of Article 107 are of such an important nature that the very lame objection which has been raised has not satisfied, and I hope, will not satisfy the House. For, after all, what is sought to be done is this. The apprehensions entertained by those who support the present amendment are also without foundation. Profit and loss accounts will be arranged under most convenient heads, the amount of gross income, distinguishing several sources from which it has been derived and so on. It should be observed here that there is no particular form prescribed so that it should necessarily cover every single detailed source of income, and the amount of gross expenditure distinguishing between the expenses of establishment, salaries and other like matters. When we consider all these........

Mr. Pandit Govind Ballabh Pant: (Rohilkund Divisions, Non-Muhammadan Rural):..... When these clauses make it compulsory that the profit and loss account should be placed before the general meeting, what will be the effect if the preparation or the submission of the profit and loss account by itself is left to the option of the companies themselves? I have no doubt that if it is made optional all these clauses will have to be omitted. Then there will be no uniformity of practice.

Mr. M. A. Jinnah: Why should they be omitted?

Pandit Govind Ballabh Pant: Because if a company decides that it will not prepare any real profit and loss account it will be free to do so. I hope the Honourable the Leader of the Independent Party has seen the amendment that has been moved......

Mr. M. A. Jinnah: Yes, I have.

Pandit Govind Ballabh Pant: The amendment says that it will be open to a company at any general meeting to decide against the inclusion of regulation 107. That is, the essential information that is to be given in the form of the profit and loss account need not be furnished.

Mr. M. A. Jinnah: No.

. . . .

Mr. Susil Chandra Sen:......The only thing which this amendment really aims at is to avoid any rigidity which would offend against particular companies and to leave the matter to the shareholders or rather the majority of them.

Mr. M. A. Jinnah: To do what?

Mr. Susil Chandra Sen: To fix such of those particulars as are given in clause 107 which they want. If they do not want any particular item in clause 107, they can pass a Resolution to that effect. That is all that the amendment aims at, if I have read it correctly.

Pandit Govind Ballabh Pant: If they do not want any of the particulars?

Mr. Susil Chandra Sen: That is a point on which I join issue with Pandit Pant. Under no circumstance can the necessary details be avoided. Even in England......

Mr. M. A. Jinnah: May I interrupt the Honourable Member? I am only wanting an explanation. Supposing the shareholders decide that they do not want any kind of profit and loss account, will they do it?

Mr. Susil Chandra Sen: That will be impossible in view of clauses 65 and 67. Clause 65, if I may point out to my Honourable friend, Mr. Jinnah, makes it compulsory that a profit and loss account must be prepared and laid before the members.

Mr. M. A. Jinnah: What are the items which the shareholders by a Resolution can dispense with in the accounts?

Mr. Susil Chandra Sen: Only those indicated in clause 107. My friend will find however that apart from the items given in clause 107 there are other items referred to in clause 67.

Mr. M. A. Jinnah: What are those?

Mr. Susil Chandra Sen: The items which are given in

107 are that the profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into the account, so that a just balance of profit and loss may be laid before the meeting. That is the fundamental thing. A profit and loss account must contain.

.....

Mr. M. A. Jinnah: Sir, it seems to me that Article 107, as far as I can follow it, merely insists upon three things. First, every company has got to submit its profit and loss account and its balance sheet, but as far as I can see, Article 107 says this. First of all, you have got to show your gross income. That, of course, you will show in your profit and loss account, but here it says this: "show your gross account, distinguishing the several sources from which it has been derived". Therefore, it is not merely that you have to show your gross income, but you have to distinguish the several sources from which that gross income is derived. I hope the Law Member will correct me if I am wrong. Then the next one is this. It again says this. The expenditure is to be shown in this way, — the amount of gross expenditure, distinguishing the expenses of establishment, salaries and other like matters. Therefore, Article 107 imposes the obligation, first, that over and above the ordinary profit and loss account, you have to show the sources from which the income is derived — you have to distinguish the sources — and you have also got to distinguish the expenses of establishment, such as salaries and other like matters. Then, next, every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting, — and I take it that that will be also in the profit and loss account and balance sheet — but the distinguishing feature seems to be this that, that expenditure you have to show, but, in addition to that, the reason why only a portion of the expenditure is charged against the income of the year. Therefore, Article 107 goes beyond the other provisions in the Bill in three respects. First, you have got to show and distinguish the sources from which you have derived your income. Second, you have to show and distinguish the various charges that you have paid for establishment, salaries and other like matters. And, thirdly, not only you must say what you have spent, spread over so many years, but also state the grounds, — as to how you have done it, and why you have done it. As far as I understand, the objection coming from the European Group is really more to the last item. It is not so much that you would be afraid of giving in your profit and loss account the sources from which your income has been derived. Nor would you be afraid of stating in more particular points such as salaries, expenditure on establishment, and so on, but the apprehension is that, in undertaking some big expenditure on the development of the company or any department of that company, although it may be even shown that so much has got to be spent, they feel themselves that, in addition to the reasons why only a portion of such expenditure is charged against the income of the year, they may have to show the full amounts. Therefore, taking the opinion which the Law Member expressed, that may apply to some companies — not all — and it may be detrimental to the interests of the shareholders, whose interests we are guarding as much as anybody else's, should not that company be allowed, with the sanction or approval of the shareholders, to say that particular item should not be disclosed? That, I understand, is the objection. Therefore, should we make it obligatory and beat every company with the same stick, or should we not — and here I am influenced by the view the Law Member expressed, that there is a very strong opinion and there is some force in that opinion, that there may be some individual companies who may find it very detrimental to the interests of the shareholders.

Should we, therefore, not leave it to the shareholders to decide, – because, ordinarily, in the balance sheet and the profit and loss account you will have almost all the details, perhaps not with those particulars which are specified in Section 107, but you will have them. Therefore, Sir, I am inclined not to oppose this amendment, and I hope the Honourable Member will consider whether you should really oppose it.

. . . . .

Mr. S. Satyamurti:..... Why should not the majority of shareholders of each company be allowed to decide with regard to all these regulations? There is a method in this. There is a feeling on the part of the majority of this House that it is not wise to leave to the majority of the shareholders of each company the decision with regard to all these regulations. Therefore, my friend must make out and the House must accept the position that there is something peculiar, unique, in regulation 107 which does not apply to all the 7 or 8 regulations which have already been made compulsory by a vote of this House. May I ask what is the peculiarity about this regulation 107? My friend, the Leader of the Independent Party, said that there may be a case where it is not to the interests of the shareholders to disclose.

Mr. M. A. Jinnah: Disclose what?

Mr. S. Satyamurti: The information asked for in Regulation 107.

Mr. M. A. Jinnah: No; the reasons.

Mr. S. Satyamurti: The difference between us is a very small one.

Mr. M. A. Jinnah: It is not.

Mr. S. Satyamurti: The Leader of the Independent Party concedes that, according to his judgment, all the information in regulation 107 can be usefully and safely given, without affecting the interests of any shareholder, excepting in the last two lines.

Now, look at the last clause.

It says:

> "Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting, and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year."

Now, they will have to give some reasons as to why only a portion of the expenditure is charged against the income of the year. The only example given was about some coal mining company extending its activities and spending money in the year, which ought regularly be chargeable to more than one year. Is it suggested that, if a company opens a new branch or extends its operations, it is going to be such a private affair, that nobody will know about it? Is it going to be a hole-and-corner affair? I want to know what is the real objection to this information being given. After all, when you open big coal mining operations, it is not going to be done in a manner, in which nobody else will know any thing about it. At any rate, it seems to me that regulation 107, as it stands, must be there, otherwise clauses 65, 66 and 67 become meaningless. I would invite the attention of my friend, the expert member on this Indian Companies (Amendment) Bill, to these clauses. Clause 65 says:

> "The directors of every company shall at some date not

> later than eighteen months after the incorporation of the company and subsequently once at least in every calendar year lay before the company in general meeting a balance-sheet and profit and loss account."

What is this account going to be? Let us now look at the amendment of the European Group. It says:

> "Provided further that Regulation 107 shall not be deemed to form part of the Articles of Association of any company if the company in general meeting shall so determine."

Now, I want to put to my friend, the Leader of the Independent Party, that this amendment goes very much further, than what he seems to support.

Mr. F.E. James (Madras: European): No, no.

Mr. S. Satyamurti: Please do not say "No, no". Mr. Jinnah knows better than you do. I take it, Sir, that Mr. Jinnah's objection is merely to the last two lines of regulation 107.

Mr. M. A. Jinnah: It is not my objection, but I recognise the force of the objection.

Mr. S. Satyamurti: I stand duly corrected. I merely want to say this that the object of the European Group's amendment is much bigger, much wider than the narrow point which my friend, the Leader of the Independent Party, supports.

Mr. F.E. James: No.

Mr. S. Satyamurti: He knows better than you. Please do not speak for others: it is bad enough you speak for yourselves here. I suggest that regulation 107 can be practically repealed, under that amendment. I put it to my friend, the expert member, to lay his hand on his heart and get up and say that I am not correct. The proviso says that in a general meeting a bare majority can say: We do not want regulation 107. Then, what is left? The profit and loss account. I want to put it to all unprejudiced Members of this House, whose votes are not already committed to this or to that side, and I want to put it to my friend, the expert Member, also that this proviso, if it is accepted by this House, means this that regulation 107 will go out altogether, and what remains? Profit and loss account means so much income and so much expenditure – *Qui bono*? Profit and loss – gross income and gross expenditure. Is that the profit and loss account? Is that what my Honourable friend, Mr. Jinnah, wants? I know he wants much more.

Mr. M. A. Jinnah: I think my Honourable friend, Mr. Satyamurti, is not really appreciating what I said. It will be as I understand a profit and loss account fully with two exceptions and that is they will not, so far as they show the income, distinguish the sources from which they derive the income, that is number one, similarly in showing the expenditure, they will not distinguish each item, salaries paid so much or for this particular part of the establishment so much, and so on. Therefore, the profit and loss account will be there in the ordinary sense of the word, a full one, not giving this particular particulars. Therefore, it is not correct to say that there will be no profit and loss account because the law as you are now enacting compels them to present the profit and loss account.

Mr. S. Stayamurti: Therefore, we have got to examine Regulation 107, and satisfy ourselves as to whether there are any items in Regulation 107, to which any one can reasonably take exception, except the last two lines. Even assuming my Honourable friend is right that there will be a profit and loss account, I put it to him and those who agree with him that there will be nothing lost, and a good deal gained, by getting in every item, except the last two lines even according to them. Indeed he ought to vote against this amendment, and he may give notice of another amendment, if he gets an opportunity, bringing out his ideas. It is not for him and those who agree with him or think with him....

Mr. M. A. Jinnah: I will not, because I do not attach so much importance to those details as to the last part which we want to compel.

Mr. S. Satyamurti: Then, there is a clear difference of opinion. I would however, respectfully invite the leader of the Independent Party to consider the opinion of the Expert, the opinion of the Government of India, and the opinion of the Select Committee, until we came before the House.

Mr. M. A. Jinnah: I have no objection if it is agreed upon.

Mr. S. Satyamurti: I am trying to persuade the Government once again to follow their first judgment, and not yield to their second judgment. I know I am hoping against hope in this matter, but I submit that the decision which was arrived at by the Expert, by the special Committee which went into this matter, by the Government Member himself and by the Select Committee, should be stuck to, unless there are very good reasons to go against it.

.....

The Honourable Sir Nripendra Sircar......I shall have no objection in moving the amendment myself. The language of the amendment is this:

"Provided that the reasons why of the whole amount of any item of expenditure which may in fairness be distributed over several years, only a portion thereof is charged against the income of the year, shall be shown in the profit and loss account unless the company in general meeting shall determine otherwise."

.....

Mr. President (The Honourable Sir Abdur Rahim): Has the mover of the original amendment No.23 been consulted?

The Honourable Sir Nripendra Sircar: Yes, Sir, he has been consulted.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): So far as I am concerned, that was exactly my point when I was speaking on the amendment. I am, therefore, quite satisfied with the amendment that the Law Member has produced.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I take it that the effect of this will be that if this proviso is added, Regulation 107 will be established as an obligatory part of the Articles of Association.

The Honourable Sir Nripendra Sircar: Yes.

Mr. Bhulabhai J. Desai: Then, I am agreeable also.

. . . . .

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

> "That in clause 32 of the Bill, to clause (g) of sub-section (2) of the proposed section 79, the words or the Registrar or the Inspector of the Companies appointed by the Local Government' be added at the end.".........

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): How will you find out by giving proxy to the Registrar?

Dr. Ziauddin Ahmad: The Registrar or the Inspector appointed by the Local Government will be able to tell me how matters stand. Publicity is a great safeguard. My whole object in moving this amendment is that the poor shareholders should be able to find out in time whether the administration of these companies is going on properly or not; and I thought that the only way in which it can be done is to give our proxy to an outside agency, person who is going to watch on behalf of Government and on behalf of the small tax payers the affairs of the company. At least when he goes there on my behalf......

.....

Mr. N.M. Joshi:......Well, Sir, I remember some years ago having heard that argument when the first Indian was appointed a Member of an Executive Council. The British people not only in India but even in England said -- "you may appoint these Indians in the Legislatures if you like but you cannot take them on the Executive Council. Secret affairs are to be discussed: the Cabinet must be unanimous". May I ask whether the Cabinet is not unanimous today when there are three Indian Members of the Executive Council?

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): They are all unanimous. (Laughter)

Mr. N.M. Joshi: May I ask if the affairs of the Government of India are not going on as they were going on when all the Members of the Executive Council were Europeans?

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Not one of them is here to answer you.

.....

Sir Nripendra Sircar...........The Provincial Congress Committees were fairly reasonable people and they opposed proportional representation:

"The opposition was led by Mr. Avideshwar Prasad Sinha socialist who supported by Mrs. Kamaladevi Chattopadhyaya and others urged that the minority of socialists would be crushed out of existence if proportional representation was deleted."

Then, Mrs. Kamaladevi Chattophadayaya made a speech in support......

Mr. M. A. Jinnah: What did Mr. Satyamurti say?

The Honourable Sir Nripendra Sircar: Mr. Satyamurti, I think gave a silent vote against proportional representation. (Laughter)

Mr. S. Satyamurti: My Honourable friend is at liberty to have a joke at my expenses. But I was not present at the time of voting in the Congress.

.....

Dr. N.B. Khare: Sir I move:

That in clause 37 of the Bill, for the proposed sub-section (2) of section 83B, following be substituted:

> (2) Notwithstanding anything contained in the Articles of a company other than a private company not less than two-thirds of the whole number of directors shall be persons whose period of office is liable to determination at any time by retirement of directors in rotation:
>
> "Provided that nothing herein contained shall apply to a company incorporated before the commencement of the Indian Companies (Amendment) Act, 1936, where by virtue of the articles of the company the number of directors whose period of office is liable to determination at any time by retirement of directors in rotation falls below the two-thirds proportion mentioned in this section."

Mr. M. A. Jinnah: May I point out to the Honourable the Leader of the House, that I do not know what the intention is. It seems to me that, under the clause as it is now before the

House in the Bill, it is all in favour of the managing agents, because the managing agents, first of all, have the undoubted right to appoint one third. Having appointed one-third, then at least the remaining two-thirds ought to be chosen by a meeting of shareholders, and in that I suppose the managing agents, holding a large number of shares, will have a finger in the pie. Having assured themselves of one-third, the managing agents will have their fingers in the pie for whatever may be left to the shareholders to choose. It seems to me that the original Bill was much better in the interests of the shareholders leaving aside the question how to provide for special directors.

Mr. Bhulabhai J. Desai: That is what I am trying to do.

Mr. M. A. Jinnah: We have got these two things before us. The third suggestion made just now, I have not been able to follow, but speaking for myself, I would rather have the original Bill than the one that has emerged from the Select Committee. There is no meaning in that. The agents say, "One-third is my own, and, with regard to the remainder, whatever that is, I will have a finger in the pie, except of course, special directors". I rather prefer the original.

Mr. M. Ananthasayanam Ayyangar: If we are prepared to go back to the original Bill, I have an amendment to that effect, which is No.90.

Sir. H.P. Mody: No; I understand that the draft of my Honourable friend, the Leader of the Opposition, is on these lines that not more than one-third will be reserved......

Mr. President (The Honourable Sir Abdur Rahim): I think I will read out the draft of the Leader of the Opposition:

> "(2) Notwithstanding anything contained in the articles of a company other than a private company, not less than two-thirds of the whole number of directors shall

> be persons whose period of office is liable to determination at any time by retirement of directors in rotation:
>
> Provided that in case where a director or directors are to be nominated by the public authority or debenture holders, the two-thirds may be reduced to that extent."

Mr. Bhulabhai J. Desai: I only offer this if it is acceptable to all sections of the House. If not I do not press it at all. I thought it met the case.

The Honourable Sir Nripendra Sircar: All that I can say is that so far as Government are concerned, they will be prepared to accept that but I do not want to commit myself finally. That is my view that it ought to be accepted, but other sections of the House may not like it.

Mr. Bhulabhai J. Desai: If they do not like it, I do not press it.

The Honourable Sir Nripendra Sircar: Let us have time to think over it.

Mr. M. A. Jinnah: Sir, I do not think it right that on a Bill of this importance an amendment is suggested on the spur of the moment and the House should be asked to consider it here and now. If there is an amendment, let us consider it carefully, because it is rather important, rather than decide here on the spur of the moment.

Mr. Bhulabhai J. Desai: My friend has entirely misunderstood me. I am not asking for anybody's consent at all here. I thought Government put forward the case that if you make two-thirds entirely rigid and exclusively elective, then there will be no room left in cases where public authority or debenture-holders were under agreement or under Statute. I was only trying to express it. I am not forcing it on anybody whatever. If the House requires time, it can stand over.

Mr. M. A. Jinnah: The Leader of the Opposition said just now that if the other side does not accept it, he will withdraw it.

Mr. Bhulabhai J. Desai: No, I said that I do not want to press it.

Mr. M. A. Jinnah: Therefore, it means that we should either say yes now, or he is not pressing it.

Mr. Bhulabhai J Desai: If my Honourable friend thinks so, I am very sorry indeed.

Pandit Govind Ballabh Pant: What happened was this. After this amendment had been indicated, Mr. Jinnah observed that he would rather like to have the original clause as it stood in the Bill. We ourselves on this side would prefer it to the amendment moved by the Leader of the Opposition. So we said that if it was not acceptable to any group in this House, then we are not going to force it, because we ourselves are not very much in love with it. There should not be any occasion for any misunderstanding.

Mr. M. A. Jinnah: I do no wish to commit myself in any way at all, and I do not know exactly what arrangement was arrived at in the Select Committee. I merely made an observation that if I had the choice I would prefer the original. That is all.

Mr. President: (The Honourable Sir Abdur Rahim): If the Leader of the Opposition wants this amendment to be considered, I am willing to let it stand over till tomorrow.

Mr. F.E. James: Sir, may I rise to make a submission? That is, that if an amendment on the lines of the suggestion of the Leader of the Opposition is to be drafted and put in for submission to the House, it should, if possible, be circulated in sufficient time to all parties before the meeting tomorrow. We on these Benches do share the apprehension of Mr. Jinnah, because we had an unfortunate experience where we were forced to accept an amendment which in its present form is nonsense, and we do not want to be put in the same position again. I do very much hope that that course will be followed and we shall be given enough time to deliberate.

Mr. M. Ananthasayanam Ayyangar........ As far as I am aware, if all loopholes have to be guarded, if all openings have to be closed against fraud, the only words that can be safely used are "directly or indirectly".

Then as regards the contract, I do not know if the purchase of postage stamp enters into a contract, my belief is that so far as this portion is concerned, it applies only to executed contracts......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): It applies to all contracts – any contract – not only an agency.

Mr. M. Ananthasayanam Ayyangar: The contracts to which it will be applicable according to the circumstances of each case, having regard to its setting.

. . . . .

Pandit Govind Ballabh Pant: Sir, I move?

"That in clause 40 of the Bill, for sub-section (2) of the proposed section 86F, the following be substituted:

> (2) The directors of a public company or of a subsidiary company of a public company shall not, except with the consent of the company concerned in general meeting:
>
> (a) sell or dispose of the undertaking of the company;
>
> (b) issue the unoffered capital of the company;

(c) write off any debt due by a director'."

.....

Mr. T. Chapman-Mortimer: That is what I have been trying to elaborate, apparently not with very much success. The point is this. If you have got to give notice of a meeting, I do not care whether it is a week's notice, three weeks' notice or three months' notice and if to that notice you have got to append a statement to say that the business of that meeting is to dispose of the undertaking or to consider whether the recommendation of the directors for disposal of that undertaking should be accepted, if all that appears in the statement, as it must surely, then you are going to reveal the position straight away.

Mr. M. A. Jinnah: May I interrupt the Honourable Member. I want to be enlightened upon this point. Do you object to the consent of the shareholders or do you object that their consent should be obtained previously to the agreement being concluded.

Mr. T. Champan-Mortimer: That raises an old question which has been raised a hundred times in the House of Commons, namely, the responsibility of the Government or the executive to have power to take action in the interests of the country or the Board of Directors.

Sir Cowasji Jehangir: You had better think it over overnight.

Mr. T. Chapman-Mortimer: It is a very different thing to go to the shareholders and ask them to approve of what you propose to do, and to go to them to ratify the agreement. That, Sir, is one of the main objections to this amendment.

Mr. M. A. Jinnah: It does not say "previous consent".

Mr. T. Chapman-Mortimer: The point is that it is the directors who must decide. If they don't have that power, then you are going to make it very difficult for company management to go on. It is one of the essential responsibilities of the directors to decide what is in the best interests of the company at that particular moment. No shareholder or few shareholders can possibly know what is in the mind of the directors. In order to know that, they will have to know about all sorts of contracts and so on. All these things take a great deal of time and they are beyond the understanding of the shareholder and if this amendment is approved, it would undoubtedly undermine the authority of the directors. Sir, I oppose the amendment.

.....

Pandit Govind Ballabh Pant: Sir I move:

"that in clause 42 of the Bill, in sub-section (2) of the proposed section 87A for all the words occurring after the words 'the said Act' the following be substituted:

'and shall cease to hold office any time after five years from the commencement of the said Act, if the Company has by resolution passed at a general meeting decided to terminate his services, provided that no such resolution shall be passed unless thirty years have elapsed since the Managing Agent or his predecessor first occupied such office. Nothing in this sub-section shall prejudice the right of the company to re-appointment the Managing Agent or to determine his office before the prescribed period in accordance with any provision in the Articles of the Company or in any agreement with the Company'."

.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I feel that I shall not be justified in sitting here and recording my silent vote. I want to place before the House that it has not been my lot to associate myself more closely and participate in the construction of this very important measure.

But on this particular amendment, I have tried my very best to come to an impartial judgment. I will assume and I think it is no use our talking at this stage whether the managing agency system is desirable or undesirable. I will assume that. As a matter of fact the Bill assumes that the system is to continue. Therefore it is no use our talking now at this stage of the Bill and say, we want to put an end to it. I will not say a word about it. I do not know whether my Honourable friend, Pandit Govind Ballabh Pant,. has connived at it, but that is not the correct word to be used, that he connived at the continuation of the managing agency system. I dare say there are various difficulties. Rightly or wrongly the general opinion is that at present, at any rate, we cannot end the managing agency system. Anyhow that stands.

Then, the next question we have to consider is this. I will not put it higher, but I will put it like this. It must be assumed that the managing agency system may continue, but the existing agency contracts are such that should not as far as possible be continued for a longer period than necessary. That is only on the ground that evils exist. Otherwise there is no use of fixing 20 years. No doubt these contracts have been obtained from the shareholders who constitute the company, they are *suo juris*, they are no doubt not lunatics but I think we know that these contracts which have been obtained and which now exist are, to put on the lowest level, certainly of the most onerous character. Therefore there is no question really of sanctity of contracts, or any sacrosanctness about them at all. It is also assumed that if these contracts are unconscionable, then surely this House, as the supreme Legislature, cannot allow that state of things to continue much longer. The Government admit, that there is no logic about the period to be fixed. They say, you cannot reason it out, but taking everything into consideration and applying the rule of thumb, the Government say, these managing agencies should terminate within 20 years. I understand that to be the position of Government. I am very glad that the Honourable the Law Member said that Government were not intimidating or threatening to withdraw the Bill if we cut down 20 years, but he raised objections to such a course being adopted. The first objection was that Government are cutting them down to 20 years and that in itself is going a long way. But if we cut them down to a lesser period, such as five years according to this amendment, then his fear was that there will be corners. Next, there will be dislocation and confusion and disaster. Third it will be difficult to finance the companies. It will, thus in the result, be far worse to face this situation in general interest if we enact this law with this amendment. If I understand correctly, that is the position of the Honourable the Law Member. I really tried my very best to understand what was this fear in the mind of Government. Is that fear based on real solid ground or merely because it has been dinned into the ears of Government from certain quarters that there will be a great disaster and that there will be corners, that no finances will be coming forth, the moment you fix five years. My Honourable friend, Mr. Aney, spoke quite earnestly and seriously and with the fullest conviction. He said if you fix five years, many companies will be ruined, but nobody says, why? What will happen and why should there be ruin, I have not been able to see. What is this amendment? I am myself not satisfied with this amendment. I want the whole loaf, but if I cannot get it, I will be satisfied with half. The real issue before the House is this. Is it to be 20 years or is it to be five years, plus this, that only those contracts which have existed for 30 years should terminate after five years. Under those contracts, the agents have enjoyed the ups and downs if you like, the benefit and the disadvantages but they have had it for 30 years. If after 30 years enjoyment the agents have to come after the next five years before the shareholders and put before them any reasonable terms — and give up unreasonable terms which they might have had, why should they be afraid of coming before the shareholders after five years (Hear, hear) and obtaining reasonable terms. I cannot understand that. Then, the Honourable the Law Member said there will be suspension. What does this mean? Of course naturally the agents will be made to understand if this Bill is passed with this amendment that they cannot possibly continue to enjoy those favourable terms for ever, so, as agents of the company they have to come with something more reasonable before the shareholders so that they can get their contracts renewed. What is wrong about it? Really, Sir, it seems to me, I speak with great respect, that these agents who have enjoyed these advantages are carried away too far by their over-greed and they do not want to part with it. But as they are forced, because they know all the forces are ranged against them and therefore they are willing at any rate to rest content with 20 years, but nothing less than 20 years charter. Then there is the point of view of my Honourable friend, the Leader of the Opposition, and we know something more about it. If the shareholders will wake up to their rights, if the shareholders' association that is now started in Bombay is established in other parts of India, — all this talk of perpetuity, what any Honourable friend, Sir Ghulam Hussain Hidayatallah, talked of perpetuity being reduced to 20 years as a wonderful sacrifice — then, I say that with the establishment of shareholders associations in all parts of India this plea of sacrifice of perpetuity will vanish as a dream. If some of these contracts are examined and brought into Courts of law, your talk of perpetuity will all prove to be a dream and a vision and nothing else. Therefore, it is no use talking of perpetuity.

Now, coming to the amendment, what does it say:

> "and shall cease to hold office any time after five years from the commencement of the said Act, if the company has by resolution passed at a general meeting decided to terminate his services, provided that no such resolution shall be passed unless thirty years have elapsed since the managing agent or his predecessor first occupied

such office."

It was said by my Honourable friend, Mr. Mody.......

An Honourable Member: It is Sir H.P.Mody.

Mr. M. A. Jinnah: I beg his pardon. I have known my Honourable friend so long that I cannot think of him except as Mr. Mody. It was said by Sir Hormusji Mody and I was rather struck with that point, he said "that the contracts which have existed for 30 years, you can terminate after five years. But what will happen to companies which are started today? Will they not have 20 years"? I have been thinking about it. This has raised a difficulty, namely, that a company that is started today with any contract of agency, that will continue for 20 years after the Act. He says, why therefore terminate those contracts which have existed all this time within the next five years. Here again it is very difficult to apply logic, and it is very difficult to examine the question, unless one goes very deep into all the facts. But what strikes me on the spur of the moment is this, that most of the recent contracts that are being made of agency with the company are not as a rule made on those onerous terms.

The Honourable Sir Nripendra Sircar: I do not think that is correct.

Mr. M. A. Jinnah: I said most of them. Although there may be some, I know there are some that are quite as old as the hills. May I respectfully point out to the Honourable the Law Member that at any rate in my part of the country, where I live, the shareholders are really getting more and more experience and as far as I know that in most of the new companies that have been started, believe me, the agents have not got these onerous terms. Most of them, I do not say all. Therefore I say to my Honourable friend, Sir Hormusji Mody, that we are not aiming at terminating those contracts which are fair or reasonable, but we are trying to terminate only those contracts which are otherwise; there is no object in maintaining contracts which are unconscionable for 20 years more.

The next point was, why do you want to punish the innocent for the sake of a few black sheep. That was the strongest argument that could have been possibly advanced. My Honourable friend, Sir Hormusji Mody again came out with startling figures. He said, "Look at Bombay where five crores have been given up by the managing agents. Why do you want to punish these managing agents who sacrificed so much." My point is, if these managing agents are really so innocent as they make out to be, why should they be afraid of facing the shareholders. (Hear, hear.) The shareholders msut be the biggest fools to say, "Here are our managing agents who have sacrificed so much for the sake of the company, they have not charged interest for the money advanced to the company, they have not charged commission which they are entitled according to the sanctity of contracts. Yet we will not renew their contracts on reasonable terms. His honour, his integrity, his sense of fairness and generosity, what happens to them all? Surely that must count. Why should that class of agents be afraid to go back to their shareholders within the next five years and put their fair terms of agency before them.

Even Sir Cowasji Jehangir had to admit and did frankly admit that there are contracts where the profit or remuneration is received on production or sale. There are many other agencies which may not be as bad. He has admitted that they at any rate ought to be done away with, but the Law Member's defence is that there are only 28 of them in Ahemdabad and you need not strike at them. But my appeal to the Law Member is: why should these 28 exist if they are so bad? What is the justification for their continuance? Why should we allow them to go on? Simply because they are 28 in number. Sir, that is not logic, whatever else it may be. Therefore, I feel that one of the main reasons why there has been this hue and cry is due to the fact that one of the greatest evils in the company management has been this system of agency. It is not only the system of agency but worse still the kind of contracts which they have obtained from the company and the shareholders. It is for that very important reason – and I think that is really the backbone of this Bill – that we feel and we appeal to the Government to consider the position. Do not merely be carried away by what the merchants from Bengal or Bombay tell you in this exaggerated form that there will be disaster and there will be ruination. I appeal to my friend, Mr. Aney, not to be carried away by these fears. Business men do not do business in that way, they act differently. These very men who are telling us now that if you fix 5 years there will be disaster, these very men will begin to think differently, act differently, and will try to persuade their shareholders to give them as good terms as they can get out of them. That is how business is done. (Laughter)

Therefore, Sir, the issue is a very narrow one. If the Leader of the House thinks that the capital will not be forthcoming, that there will be disaster, that there will be corners all over and chaos unless we agree to 20 years, I have no other argument to advance, if he is convinced of that. But I am not convinced of it. As I find no ground for it except assertions, I say there is not going to be any chaos, there is not going to be disaster; and believe me, whenever an attempt has been made to corner, – I do not think it has been made very often and in Bombay, as far as I remember, it has been attempted once or twice in the course of 30 years – I assure you it is very difficult to succeed. And as I think and the Leader of the Opposition pointed out, most of these agents, – I do not say all but those who are wise, – have taken good care to hold a certain number of shares in the company of which they are the agents. And I assure you it will be very difficult for the shareholders to manoeuvre and resist them. I venture to say that even in spite of this Bill, even if you fix five years, a good many of them will get their contracts renewed on the same terms probably. The reason is that they have got considerable share holdings and they have only got to get a very small number like Government here to succeed. You want a very small number to win against the Opposition in this House, (Laughter) and I cannot give a better analogy than this House. You have the biggest holding in this company here, and you only want a few votes to win against the Opposition. Similarly the agent is in the same position as the Government Bench here. Sir, I have no desire to put unnecessary difficulties because after all on this side of the House, our desire is only one, — to give India a good and sound company law, and to assist Government in every way we can to bring about that result, so that our morale, the commercial morality may exhibit a higher standard and a more honourable one, and may command greater respect not only among our own people but throughout the world. That is our object.

. . . . .

The Honourable Sir Nripendra Sircar: What strikes me is this. After all he does not automatically go out on his conviction. The shareholders have got to call a meeting and I was presuming that where an appeal has been filed the shareholders will possibly not wish to proceed to pass a resolution until the result of the appeal is known. I am under the impression that not much difficult will be created but I have not heard any concrete suggestion from my Honourable friend as to how he wants the amendment to be changed. I quite see the force of his point. I would ask him to think over this matter. When an appeal has been filed, is it likely that the shareholders will dismiss him before the appeal has been disposed of?

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): Until the appeal is disposed of, the conviction is suspended.

The Honourable Sir Nripendra Sircar: I think there will be no practical difficulty.

.....

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I rise to move:

"That in clause 42 of the Bill, in sub-section (1) of the proposed section 870, for the words 'Where any company incorporated after the commencement of the India Companies (Amendment) Act, 1936, appoints a managing agent,' the words 'Where any company appoints aa managing agent after the commencement of the Indian Companies (Amendment) Act, 1936,' be substituted."

.....

Mr. M. A. Jinnah: Sir, it seems to me that this is rather a serious matter, as far as I understand it. I understand that clause 42 which seeks to put in section 87-A and other sections in the Act lays down a uniform principle that agreement for remuneration should be based on the percentage of profit. Sub-section (2) of section 87-C also says:

> "Any stipulation for remuneration additional to or in any other form than the remuneration specified in sub-section (1) shall not be binding on the company unless sanctioned by a special resolution of the company."

Therefore, having regard to this provision in sub-section (2), the managing agent can enter into an agreement for remuneration on any other scale or any other form provided only if it is accepted by a special resolution of the company. It seems to me that sub-clause (2) nulifies the principle enunciated in sub-clause (1) because under sub-clause (2) the agent can get any stipulation provided of course a special resolution of the company accept it. But before we come to sub-clause (2), dealing with sub-clause (1), I should really like to understand why the

Law Member wants to oppose this amendment. If this amendment is opposed, — I hope he will correct me if I am wrong, — the net result of it will be that all the existing companies which are already incorporated and whom you have already given a charter for 20 years will not be governed by this provision at all. It seems to me to be really destroying the whole bill if you allow this state of things to continue, namely, that all the existing companies which are already incorporated will not be governed by this clause.

Sir H.P. Mody: They will have to have a resolution of the shareholders after 20 years.

Mr. M. A. Jinnah: But I may remind Sir Homi Mody that what we want to put an end to is this that even by resolution we do not want to allow this swindle to continue. We have given you a license for 20 years and you want again all sorts of forms of agreements which are nothing but swindles.

The Honourable Sir Nripendra Sircar: Under the Bill you cannot prevent that if the shareholders give it to them.

Mr. M. A. Jinnah: I say that if clause (1) stands with the amendment then the criterion will be remuneration on the basis of percentage of profit, and no other basis.

The Honourable Sir Nripendra Sircar: Except with the sanction of the shareholders.

Mr. M. A. Jinnah: That is clause (2), and I am objecting to clause (2). I am quite consistent in my position. I say I am against clause (2), and I want that the companies which are incorporated already should not be exempted from the operation of clause (1). And when we come to that clause (2) we shall see. But if Government wish to support this principle I submit that really this goes to the very root of it and the very basic principle of this Bill, and I really think......

Mr. N.M. Joshi: (Nominated: Non-Official): Then drop the Bill.

Sir H.P. Mody: We do not mind.

Mr. M. A. Jinnah: I know you do not mind swindling going further, (Laughter) but I hope Government will not be a party to this, and I hope that the Law Member, who has had so much dinned into his head by these agents hovering round him, will not be misled and will not destroy the basic principles of this Bill. I appeal to Government not to take up this position but to accept the amendment.

.....

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 42 of the Bill, in sub-section (1) of the proposed section 87C, the words 'with provision for a minimum payment in the case of absence or inadequacy of profits' be omitted."

The Honourable Sir Nripendra Sircar: I oppose this amendment. I think it is a most unreasonable one. My Honourable friend in his rather long discourse on protection and so on really wanted to make the point that the managing agents should go and that is at the back of his mind.

Pandit Govind Ballabh Pant: No. That is not at the back of my mind.

The Honourable Sir Nripendra Sircar: But he is forced by circumstances to allow this nuisance to continue, and that being so, my Honourable friend is finding out whether there are not indirect means of attaining that result.

Pandit Govind Ballabh Pant: That is wrong.

The Honourable Sir Nripendra Sircar: One can always make out a case by taking an extreme and absurd example.

Mr. S. Satyamurti: As you often do!

The Honourable Sir Nripendra Sircar: But less than you.

An Honourable Member: It is only a question of degree in that.

Mr. M. A. Jinnah: There is no much difference.

The Honourable Sir Nripendra Sircar: It is a matter of opinion. Where there is a will there is a way.......

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clasue 42 of the Bill, in sub-section (1) of the proposed section 87C, the words 'with provision for a minimum payment in the case of absence or inadequacy of profits' be omitted".

The motion was negatived.

Mr. S. Satyamurti: Sir, I move:

"That in cause 42 of the Bill, in sub-section (1) of the proposed section 87C, the words 'or inadequacy of' be omitted."

I will not repeat the arguments of my Honourable friend, the Deputy Leader of the Congress Party, but I am sure the Honourable the Law Member will see that the word "inadequacy" is incapable of definition. If these words remain here, how are they to be interpreted? What is to be the test? It seems to me that it will give rise to grave disputes and possibly inevitable litigation. I can understand the House having rejected amendment No.77, the word "absence" must remain there. There is a case for some payment if there are no profits, but it seems to me to keep the word "inadequacy" is doing no service to the companies or the shareholders.

Sir H. P. Mody: What will be the effect if the words are dropped out?

Mr. S. Satyamurti:

"The remuneration of the managing agent shall be a sum based on a fixed percentage of the net annual profits of the company, with provision for a minimum payment in the case of absence of profits."

. . . . .

Mr. M. A. Jinnah: Suppose there is a profit of one rupee.

Mr. S. Satyamurti: Why should a company pay a managing agent, if he cannot earn for the company more than a profit of one rupee? We all seem to think that managing agents are paragons of virtue and efficiency and that whatever they touch becomes gold like Midas's touch.

. . . . .

Pandit Govind Ballabh Pant: Sir, I move:

"That in clause 42 of the Bill, after sub-section (2) of the proposed section 870, the following new sub-section and the proviso be inserted and the subsequent sub-sections be renumbered accordingly:

> '(3) No managing agent shall receive anything additional to the remuneration fixed under sub-section (1) or sub-section (2), whether by way of commission, allowance or otherwise, for the services rendered by him to the company whether in the form of supply, sale or purchase of machinery stores, raw materials and manufactured goods or otherwise:

Provided that nothing herein contained shall prejudice his right to interest or dividend for loans, shares, debentures and other investments'."

.....

Mr. M. A. Jinnah: Sir, I regret very much indeed that my friend, Pandit Govind Ballabh Pant, should have dropped his amendment No.85. It would have been more logical so far as this particular question is concerned. Anyhow, it is no more in my hands now to speak on that because it has not been moved. The question before the House, as I understand it, is this. We are assuming now that clauses (1) and (2) of 87-C are strictly confined to the remuneration for agents as such, but the agents may supply materials to the company. The agents may purchase goods on behalf of the company the agents may sell goods on behalf of the company. And what is now sought to be done is that they should not get any extra remuneration for those purposes. That, I understand, is the object of this amendment. Now, on this question it will certainly create a deadlock of a very serious character if you prevent the agents from selling, purchasing or supplying as any other outsider might do. The amendment that is tabled says that he should not be allowed to do it at all and he should not get a remuneration. But who is going to do it for you for nothing? That is absurd. It really means that he should not be allowed to do it. If he has got to buy anything, if he wants supply of raw materials or sell anything, he must go to an outsider. Therefore, you are stopping him from selling, purchasing and supplying any raw materials except through an outsider.

Mr. M. Ananthasayanam Ayyangar: He will be dismissed if he does not do it.

Mr. M. A. Jinnah: The Honourable Member does not really appreciate how the business is done. You must remember this. Supposing stores are to be purchased and supposing the managing agent is also dealing in stores. If he can supply the stores to the company at reasonable rates, why should be not?

Mr. M. Ananthasayanam Ayyangar: There is no quarrel about that. But he cannot, in addition, receive an allowance. He gets his price for the articles he sells to the company.

Mr. M. A. Jinnah: May I read the amendment? What about his profits.

> "No managing agent shall receive anything additional to the remuneration fixed under sub-section (1) or sub-section (2), whether by way of commission, allowance or otherwise....."

Then, he is not to make any profit when he supplies goods to the company, and if he is making a profit, it will come under the word 'otherwise'. I am entirely in sympathy with the idea that there should be some check because we have known many cases where a great deal of *golmal* has been done. I know it. But the question is how to prevent it. I was trying to put it fairly to the House that this amendment means a complete stoppage on the part of the managing agents to do these things. There is another amendment which says that the managing agent can do it provided he gets the sanction of the shareholders in a meeting. There is a third amendment which says – the one about which my Honourable friend, Sir H.P. Mody, was very anxious – that it can be done provided it is sanctioned by the board of directors. There is a fourth amendment which says it can be done with the sanction of the directors provided they unanimously approve of it. Now, these are the four points which emerge, as far as I can gather from these various amendments. With all the desire, with all the sympathy that I have for the shareholders and the interests of the shareholders, I regret to say that I cannot possibly agree with my Honourable friend, Pandit Govind Ballabh Pant, on this amendment. But when we come to discuss the other amendment, we shall see.

Pandit Govind Ballabh Pant: Then, I will agree with you.

Mr. S. Satyamurti: Sir, the managing agents are the luckiest persons in the world. We began in the discussion on this Bill with the Honourable the Law Member making a very good speech against the managing agents and their abuses, but gradually I have seen him take the position that almost any amendment which will rob the edge of these clauses is acceptable. But the greatest shock of mine during the discussion of this Bill was that the Leader of the Independent Party who, I thought, was the sworn enemy of managing agents take up the position......

Mr. M. A. Jinnah: I am not. I may tell the Honourable Member what, I am. I am the sworn enemy of the managing agents who are dishonest, but I must say this that there are managing agents who are not dishonest.

Mr. S. Satyamurti: Sir, we are legislating for all managing agents, honest and dishonest; and I have yet to learn that, in any legislation, we can distinguish between one set and another set. You legislation must be so comprehensive and so complete, as to affect all managing agents, dishonest adversely, and honest not adversely. That is the test.......

. . . . .

Mr. F.E. James:.........Then the company also has the ordinary protection which is afforded by the Indian Contract Act against abuses of the nature which my Honourable friend has in mind. I do suggest that the provisions already in the Act, as amended, so far by the Bill, do safeguard the shareholders against the possibility of any misuse of his powers.

Mr. M. A. Jinnah: What are those safeguards in the Bill?

Mr. F.E. James: I have already mentioned them but at the risk of repeating myself I will mention them again. In the first place, I will read out from the Bill itself......

. . . . .

Sir. H.P. Mody: Mr. President, I beg to move:

"That in clause 42 of the Bill, after sub-section (4) of the proposed section 87D the following be inserted:

> '(5) Except with the consent of three-fourths of the Directors present and entitled to vote on the resolution, a Managing Agent of the Company, or the firm of which he is a partner, or any partner of such firm, or if the Managing Agent is a private company, a member or director thereof shall not enter into any contract for the sale, purchase or supply of goods and materials with the company, provided that nothing herein contained shall affect any such contract for such sale, purchase or supply entered into before the commencement of the Indian Companies (Amendment) Act, 1936'.".....

Dr. Ziauddin Ahmad (United Provinces: Southern Divisions: Muhammadan Rural): What do you mean by "entitled to vote"?

Sir H.P. Mody: "Entitled to vote" means that a director interested in the transaction could not possibly vote.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): He cannot vote in favour of his own contract.

.....

The Honourable Sir Nripendra Sircar:.....it is not the right principle that the agent should be allowed to compete with the business which he is managing with his own private business. Therefore my position is this, that I hope I should not be asked to make up my mind as to whether I should either oppose or support 87H as it stands. My attitude is that the principle of 87H ought to stand but the language should be improved and I therefore suggest to my Honouable friends here......

Mr. M. A. Jinnah: With the addition of the words "calculated to prejudice"? That would lead to all sorts of difficulties.

The Honourable Sir Nripendra Sircar: Yes, I quite agree that in disputed cases the court has got to decide it.....

.....

Mr. Deputy President (Mr. Akhil Chandra Datta): Before putting the question, that is, amendment No.122, I want to state that some suggestions have been made to remove controversy. One is that the present clause 87H may be retained subject to such amendments as are suggested in amendment No. 126.

Mr. M. A. Jinnah: What is to happen to amendment No.122.

Mr. Deputy President (Mr. Akhil Chandra Datta): I am explaining the position. One suggestion is that the present clause 87H may be retained subject to some such amendments as are suggested in Nos.125 or 126, or as suggested by Pandit Govind Ballabh Pant with the words "as directly competes with". There is another suggestion which has been made by Mr. Ayyangar. In view of all these suggestions, what is the position of the Honourable the Mover? Does he want to withdraw this amendment No.122 or does he want to press it?

Sir Cowasji Jenhagir: I will certainly withdraw my amendment on the understanding that the words "competing and interfering" are inserted in the section.

Mr. Deputy President (Mr. Akhil Chandra Datta): There can be no understanding with the Chair.

Sir Cowasji Jenhagir: Then, I ask for permission to withdraw.

The amendment was, by leave of the Assembly, withdrawn.

Mr. S. Satyamurti: With your permission, I should like to move my amendment in a different form. I should like to move it in this form:

"That in clause 42 of the Bill, in the proposed section 87H, after the words 'same nature as' the words 'and directly competes with' be inserted."

This is a formal amendment. I think the House is in a favourable mood to accept the amendment. Sir, I move.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the chair.]

Mr. President (The Honourable Sir Abdur Rahim): The question is;

"That in clause 42 of the Bill, in the proposed section 87H, after the words 'same nature as' the words 'and directly competes with' be inserted."

The motion was adopted.

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Pandit Govind Ballabh Pant: Again, I have to seek your indulgence. Amendment No. 138. In place of the words "this Act", the words which in reality I wanted to write, it must be a mistake of mine, were "any agreement", so that the amendment will read as follows:

"That in clause 42 of the Bill, after the proposed section 87H, the following new section be inserted:

> '87H Nothing in any agreement or in the articles of association of any company shall prejudice the right of the company to remove the managing agent according to general law'."

An Honourable Member: What is the meaning of that?

Pandit Govind Ballabh Pant: The meaning is that the managing agent is liable to be removed under ordinary law for many things which are not covered by this Act. A speech was made by the Honourable the Law Member dealing with this aspect of the matter.

Mr. M. A. Jinnah: As if the agreement did not exist?

Pandit Govind Ballabh Pant: Yes, as if the agreement did not exist. In order to remove such misapprehension, I am introducing this clause. This has also another object.

. . . . .

Mr. G. E. J. Robertson (Burma: European): Sir, I beg to move:

"That in clause 44 of the Bill, for the proposed sub-section (3) of section 91-A, the following be substituted:

(3) A register shall be kept by the company in which shall be entered particulars of all contracts or arrangements to which sub-section (1) applies, and which shall be open to inspection at the registered office of the company during business hours in such manner as the company in general meeting may determine'."........

Mr. Susil Chandra Sen (Government of India: Nominated Official): Sir, we have no objection to this amendment specially as we see from the language that it does not want to do away with the rights given to the shareholders altogether.

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): Of course, it does.

Mr. Susil Chandra Sen: I have listened to some portions of the speech of my Honourable friend, Mr. Robertson, where he suggested something of the nature, but I do not agree with him that this amendment, if passed, will enable the shareholders by any resolution to do away with the rights of the shareholders.......

. . . . .

Mr. M. A. Jinnah: Sir, I strongly object to this amendment and I am really surprised that the Honourable Member who spoke on behalf of Government has taken it so lightly. It is a very important thing. When the Honourable Member was speaking I interjected that it will take away the right of the shareholders, but I do not think the Honourable Member appreciated the significance of my interruption. The clause in the Bill as it is framed now gives any shareholder the absolute right to inspect. That right is now proposed to be taken away to this extent that the shareholders by a majority can decide to take away or curtail that right of his. That is the effect of it and it is a very serious thing. Why should the absolute right of the shareholders to inspect the registers of these transactions be taken away by the majority? You are destroying the very foundation of the principle underlying the clause as the Bill proposes, and I say it is a very serious matter.

The Honourable Sir Nripendra Sircar: Sir, may I put in a word for Mr. Sen? He said that if it means that it is taking away that right, as my Honourable friend, Mr. Jinnah, thinks it does, then he said he would object to this amendment. But the language of the amendment is, "in such manner as the company in general meeting may determine". Does it take away the right of inspection, or does it control the manner of inspection, that is when it is to be done and how it is to be done, etc.? That is the point he made and he agreed that if the Honourable Member's view is right as regards the construction he will object.

Mr. M. A. Jinnah: May I point out to the Honourable the Leader of the House that the Mover of this amendment explained himself as to what this amendment means. He said definitely, – and he will correct me if I am wrong, – that the shareholders may decide by a majority that no right of inspection should be given to the member of the company. I may point out to the Honourable Member that the expression "in such manner" is one through which you can drive a coach and four through and as he explained, it convinces me that the intention is really to drive a coach and four through. I therefore strongly object to this amendment.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I may point out that sub-section (2) of section 91-A, would be perfectly futile if this amendment were accepted. The section says that any director who contravenes the provisions of sub-section (1) shall be liable to a fine not exceeding Rs. 1,000. The whole object of the inspection is to enable the shareholders to know whether the disclosure which is obligatory under section 91-A (1) has been made, and if it is restricted in any manner it is likely to defeat the very object of sub-section (2). I support my Honourable friend, Mr. Jinnah.

. . . . .

Mr. T. Chapman-Mortimer: We do not now suggest that. If my friend will see Regulation 105, he will see that it is perfectly clear that the shareholders have a right to say "We are not quite satisfied with the position in regard to these contracts: we want to nominate two or three of our members to examine your books". No one has any objection to that. What we object to is the right of a rival concern merely coming and saying, because it happens to hold one or two shares of your company, "We want to see your contracts'. We object to that. We have no objection if the shareholders in general meeting say. "We want to have these contracts looked into by representatives of the shareholders, independently of the board of managing agents." Really I do not think there is any intention here to drive a coach and four through the Act as my Honourable friend, Mr. Jinnah suggested. We managing agents may be a bad lot but we are not quite as Machiavellian as all that......

Mr. M. A. Jinnah: I am not so sure.

Mr. T. Chapman-Mortimer: In any case it has just been pointed out to me that under Regulation 105, which the House has already incorporated in clause 7, ordinary members of the company will not have any right to inspect any book or account or document except as conferred by law or as authorised by the directors or by the company in general meeting. I support this amendment.

. . . . .

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 44 of the Bill after the proposed sub-section (3) of section 91A, the following sub-section be inserted:

> '(4) Every officer of the company who acts in contravention of the provisions of sub-section (3) shall be liable to a fine not exceeding five hundred rupees'."

There has been a lot of debate already on the maintenance of registers and the granting of opportunities to members for inspection of registers. Sub-clause (3) provides that a register shall be maintained; but in case of default there is no penal provision provided in the Act.......

Sir Cowasji Jehangir: Why do you not let Mr. Sen move his amendment?

Mr. M. Ananthasayanam Ayyangar: I have moved mine and I am quite prepared to accept five hundred rupees in place of the thousand which I had put originally.....

Mr. M. A. Jinnah: Why do you not withdraw yours and let Mr. Sen move his?

Mr. M. Ananthasayanam Ayyangar: I have no objection to his moving it. I have moved mine.....

.....

Mr. Susil Chandra Sen: Sir, I move:

"That sub-clause (b) of clause 75 of the Bill be omitted, and the subsequent sub-clause (c) be re-lettered as sub-clause (b)."

Before going further, I will draw the attention of the House to the proviso which I want to be deleted. In clause 75, you will find that clause (b) of the Bill purports to amend section 144 by adding to sub-section (2B) the following words, namely:

"and when so acting to append to his signature the style 'Chartered Accountant (India)'."

Mr. M. A. Jinnah: (Bombay City: Muhammadan Urban): May I ask for some information? Where is the distinction made between Chartered Accountants and Registered Accountants either under the Indian Companies Act or under the rules?

Pandit Govind Ballabh Pant: Up to this time I had thought there was no distinction made, but when I was told that it is a fraud to allow these people to call themselves Chartered Accountants, then I discovered that there was some distinction in the background to hit these people, otherwise, so far as the performance of duties and the discharge of responsibilities go, these people are as fully qualified as the Chartered Accountants, with this difference that Chartered Accountants get higher fees.....

Sir Cowasji Jehangir: May I point out that the question put to him was, "where is the distinction made in our Companies Act as it stands today between a Chartered Accountant and Registered Accountant"? The answer to that question is that under rule 12 all those who get certificates should be called Registered Accountants.

Pandit Govind Ballabh Pant: I am thankful to my Honourable friend, Sir Cowasji Jehangir, for answering the question he put.

Mr. M. A. Jinnah: That is not an answer to my question. My question was – is there anything in the Companies Act or under the rules framed by the Governor General in Council which prohibits any company employing a Registered Accountant or a Chartered Accountant, as the case may be.

Mr. Susil Chandra Sen (Government of India: Nominated Official): There is no such distinction.

Pandit Govind Ballabh Pant: Much lies in the......

Mr. M. A. Jinnah: I am only getting information.

Pandit Govind Ballabh Pant: So far as responsibilities and duties go, nil, so far as designation and names go, yes.

Mr. M. A. Jinnah: In whose opinion do they carry a higher status?

Pandit Govind Ballabh Pant: In the opinion of these Registered Accountants who have been treated so badly all these years........

. . . . .

Sir Cowasji Jehangir: Just now my Honourable friend said that I was not representing any side and I am representing myself. You cannot deny........

Mr. President (The Honourable Sir Abdur Rahim): We cannot have such bargaining for votes across the floor of the House.

Sir Cowasji Jehangir: Mr. President, that is done every day of our lives here. The very essence of the Legislature is compromise and bargaining, and without compromise and bargaining we can never go ahead. I make a good proposition to my Honourable friend and I trust that he will be agreeable to my suggestion and augment that assurance as I have suggested.

Mr. M. A. Jinnah: I am rather in a delicate position, because the Leader of the House says that he will not give any assurance or any undertaking on behalf of the Government unless I secure to him every vote of every Member on this side.....(Laughter).

The Honourable Sir Nripendra Sircar: I did not mean that.

Mr. M. A. Jinnah: Government ought not to go by that, and my Honourable friend, as usual, was indulging in a little joke. When my Honourable friend, Sir Cowasji Jehangir, spoke from this side of the House, of course, he is in the opposition but his is the mildest opposition on this side. (Laughter) The opposition is of a varying degree, and as it goes more and more to my right, it increases in volume.

An Honourable Member: Except Sir Homi Mody.

Mr. M. A. Jinnah: Nevertheless we claim to be the Opposition of the Government. Now, coming to the subject itself, I have been trying to understand what the real dispute is. As far as I can see, section 144 of the present Act runs as follows:

"No person shall be appointed or act as an auditor of any company other than a private company unless he holds a certificate from the Governor General in Council entitling him to act as an auditor of companies."

I take it, therefore, that whether he is a registered accountant or whether he is a chartered accountant he comes under this section 144, that is to say, he must hold a certificate before he can be appointed an auditor of any company. Therefore so far as that part of 144 is concerned, it seems they are all on the same footing. Then the provision is made that the holder of a certificate granted under this section shall be entitled to be appointed and act as an auditor of companies throughout British India. Now, there are two points that strike me. The reluctance on the part of the Government to allow them to append their designation as Chartered Accountants (India) can only be on one ground – that at the present moment the Indian or the registered accountants are not so well qualified as those who are chartered accountants holding a certificate from Great Britain and having been registered here. If that is the ground, namely, that there is a marked difference in the capacity or the qualification of these auditors, then that is a very different question altogether. Then the answer to that is that it is high time that the Government of India did take steps to lay down such qualifications or alter the syllabus in such a way that they may also acquire that high efficiency and those high qualifications which would enable them to designate themselves as Chartered Accountants (India), in the same way as in Australia, Canada or South Africa. Therefore, I do ask the Government that if that is the real reason, they ought to give an assurance to this House that they will take immediate steps to create those institutions and those conditions where an Indian can stand on the same footing as anybody else.

The Honourable Sir Nripendra Sircar: May I interrupt my friend, if he will permit me. Possibly my friend was not here yesterday when I spoke. Perhaps I may repeat what I said this morning, because some of my friends were not here. What I said was that the whole question of the possibility of having a body of Indian accountants here, who without the trouble of going to England, will-acquire a status which will be the same or similar or near to that of chartered accountants, will be taken into consideration by Government and in the near future. That is the language I used, they intend to take steps for investigating that end. What I cannot commit myself to at the present moment – I may be in a better position to have some idea a couple of months or so after – is as to what exactly the steps are which have got to be taken and in what direction and what we shall have to do. But what we are quite prepared, as I said, to do is to make inquiries and to explore all avenues to find out what may be done and whether legislation will be necessary. There has been legislation in other parts of the Empire. That is one of the possibilities which Government have got to seriously consider and they have not the slightest objection to take up that legislation, should ultimately that be considered necessary. If I did not answer in response to my friend Sir Cowasji Jehangir, it was because I thought I had made the position perfectly clear but if it is not clear, I will say once more that the object which the Government of India have in mind is the desirability of having a body of Indian accountants here with higher status. That is the proposition which we want to examine in the very near future. If there is any further point which my friends want to be cleared up, I am in a position to meet them.

.....

Mr. M. A. Jinnah: I think I will accept the statement of the Law Member, speaking as he does on behalf of the Government. So far as this question is concerned, I will not pursue it any further. But I want to make my position more clear generally. At present, there is nothing at all to prevent any company from appointing an auditor who holds a certificate, whether he be a chartered accountant or a registered

Accountant. One is as good as the other within the meaning of the statute. Apart from the qualifications, my friend, Sir Cowasji Jehangir, pointed out that there are certain Indian Registered Accountants who are far more efficient and far superior to any chartered accountant. We have got instances in other professions also.

The Honourable Sir Nripendra Sircar: That is quite possible.

Mr. M. A. Jinnah: One fact remains that there is no bar whatever so far as the companies are concerned from appointing any auditor they like whether chartered or registered. If the fact is that the essential matter as to the qualifications are still in doubt until we get that new legislation, would it be desirable that all the registered accountants, should be allowed to append and style themselves as chartered accountants, (India)? Would it be desirable? And don't you think that in the present state of things when there is no bar, it is for each company to decide the matter for itself. Take for instance the case of a litigant. If an ordinary litigant attaches more importance to me than to my friend, the Leader of the Opposition, and says "Well, Mr. Jinnah is a barrister while my friend, the Leader of the Opposition, is an Advocate", who is to blame? In the Bombay High Court, we stand on the same footing, we have the same rights and the same privileges, and if some misguided persons attaches more importance to me because I am a barrister, well it is his misfortune. (Laughter) My friend, the Leader of the Opposition, may be far superior. Therefore, Sir, it really comes down to this. A glamour is attached to Chartered Accountants, and there are some companies who will be so foolish as to appoint a Chartered Accountant, who may not be sufficiently competent as compared to a far more competent Registered Accountant.

An Honourable Member: Certain Banks insist upon

Chartered Accountants.

Mr. M. A. Jinnah: If they do so, it is their misfortune. The crux of the whole matter is that the Government of India should take immediate steps to carry out what the Honourable the Leader of the House has just said, and as they have given an assurance, they must carry it out without undue delay. Mind you, I stand for Indian talent, I want free scope for Indian talent, I want complete privileges and same rights as those given to anybody else in my country. ("Hear, hear" from Congress Benches), but let us proceed in some methodical manner. I do hope that the Government will not any longer delay in taking up this matter.

. . . . .

Mr. Bhulabhai J. Desai.....At the same time, the only view that commends itself to me about this is that it is within the power of the Governor General in Council within the meaning of section 144 and the rule-making power in that behalf to give any designation they think proper as the Act stands at present. But if the intention is to create by means of a statute an autonomous body of Accountants in India.....

Mr. M. A. Jinnah: Quite right.

Mr. Bhulabhai J. Desai......who would then be able to confer the title.

Mr. M. A. Jinnah: That is exactly what we want. We don't want the Governor General in Council to do it.

Mr. Bhulabhai J. Desai: I certainly would prefer it, and though it is competent within the law to do it, yet, because of the promised creation, at all events I shall not say promised, but contemplated creation of a body of Accountants with an autonomous constitution of their own having the power to grant degrees and give designations, and in particular "Chartered

Accountants (India)", who do not think it worth while to press this matter.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That sub-clause (b) of clause 75 of the Bill be omitted, and the subsequent sub-clause (c) be re-lettered as sub-clause (b)."

The motion was adopted.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I beg to more:

"that to clause 75 of the Bill, the following be added at the end:

'(d) after sub-section (9) the following new sub-section shall be inserted, namely:

'(10) If the local Government is of opinion that in the case of a particular company, proper audit cannot be ensured if the appointment of the auditor rests with the company or its directors, the Local Government may for one year or more appoint an auditor for the said company (who will supersede the auditor, if any, appointed by the company or its directors) and fix the amount of fees to be levied from the company and fix the remuneration and other incidental charges to be paid to the auditor so appointed and may frame rules for the purpose'."

My friend, Sir Homi, is laughing at me when I read his amendment of mine......

Sir H. P. Mody: I am laughing at the amendment and not at you.

.....

Babu Baijnath Bajoria:.........He also says that "I do not deny that auditors are honest or capable, but the present system of appointment causes dishonesty or weakness in them".

Mr. M. A. Jinnah: How does it?

Babu Baijnath Bajoria: Sir, what I propose now to do is this, – that in case the Local Government or the Registrar thinks that the auditing of a certain company is not being done properly or they have reason to believe that it is not being done properly, then either of them will appoint another auditor for one year or more just as they choose so that the auditing of the company may be put right.....

. . . . .

The Honourable Sir Nripendra Sircar......I object to this idea that we should have no definition at all and it should mean this bank is a company which carries on banking business. That is my Honourable friend's amendment.

Mr. M. A. Jinnah: It says here, "part of its name".

The Honourable Sir Nripendra Sircar: Part of the definition is, a company which carries on banking business. How am I to ascertain what is banking business? I oppose the amendment and I hope my friend will help me when we come to the definition clause.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause III of the Bill, for the proposed section 277E, the following be substituted:

'277E. A Banking Company means 'a company which carries on banking business and uses as part of its name the word Bank, banker or banking'."

The motion was negatived.

The Legislative Assembly Debates, 1936, Vol: IV,3060, Vol: VI, pp. 606, 639, 809, 811-12, 935-37, 939,941-42, 963, 970-76, 978-80, 1065, 1180-81, 1202, 1418, 1446, 1450, 1455-57, 1542, 1549, 1880-81, 1976, 1978-80, 2103, 2122, 2128-29, 2132, 2134-36, 2140-41, 2153, 2250, 2273, 2278, 2294, 2354-59,2402, 2427-28, 2432-35, 2438-39, 2465.

96

Speech in the Central Legislature Assembly on the motion for adjournment regarding 'situation in Palestine, Simla, September 10, 1936.

Mr. President (The Honourable Sir Abdur Rahim): I have also received notice of a motion of adjournment from Maulvi Syed Murtuza Sahib who wishes to discuss a definite matter of urgent public importance, namely, the omission of the Government of India to bring to the notice of His Majesty's Government the strong Indian feeling about the situation in Palestine which has resulted in the declaration of martial law and the despatch of fresh troops to Palestine. Is there any objection to this motion?

The Honourable Sir Nripendra Sircar: Yes, Sir. The notice complains of omission on the part of the Government of India. As a matter of fact, there has been no omission.

Mr. S. Satyamurti: That is going into the merits.

The Honourable Sir Nripendra Sircar: But he must make out some grounds.

Mr. President (The Honourable Sir Abdur Rahim): It means a declaration, I think.

The Honourable Sir Nripendra Sircar: There has been no declaration of martial law: on the other hand, the communique states that it is hoped that there will be no declaration of martial law.

Mr. S. Satyamurti: That is a matter of fact, which we can discuss when the motion comes on.

The Honourable Sir Nripendra Sircar: I submit that a course of conduct like omission is not a definite matter within the rules......

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Why not.

The Honourable Sir Nripendra Sircar: If I may address the Chair without interruption from my Honourable friend: when he gets into the Chair, I shall answer why: at present I ignore him. If the question is, when did our failure take place, at what date, this has been going on for weeks and months. If it is a question on merits, then, Sir, at all times we have got to keep the British Government informed, that is on the merits: but this attitude of negation which is continuing for months, why does it become suddenly urgent and a specific matter of importance today? I submit, Sir, that this ought to be disallowed.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got to say anything on the point of order.

. . . . .

Mr. President (The Honourable Sir Abdur Rahim): Is there any proof that martial law has been declared?

Maulvi Syed Murtuza Sahib Bahadur: It has appeared in the press.

Mr. President (The Honourable Sir Abdur Rahim): Government deny that.

Maluvi Syed Murtuza Sahib Bahadur: It was declared on the 8th, and we got the information just yesterday.

Mr. President (The Honourable Sir Abdur Rahim): Have you got anything to show that martial law has been declared?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): As far as I understand, some newspapers have said that His Majesty's Government have issued a communique threatening to declare martial law, and troops have already been despatched to Palestine.

Mr. President (The Honourable Sir Abdur Rahim): What has the Honourable Member to say as regards the "omission of the Government of India"? Is that a definite and urgent matter within the rules?

Mr. M. A. Jinnah: I am not in charge of this motion: I only made a statement of fact as it has appeared in the newspapers.

Mr. President (The Honourable Sir Abdur Rahim): I want to know if the Honourable Member wishes to say anything about it.

Mr. S. Satyamurti: An act of omission is defined in the Indian Penal Code: an omission may be an offence, as much as an act.

The Legislative Assembly Debates, 1936,
Vol. VI, pp. 774-75.

97

Speech in the Central Legislative Assembly on the question regarding 'Recommendations of the Royal Commission on Agriculture given effect to', Simla, September 11, 1936.

Mr. M. Asaf Ali: (a) Will Government be pleased to state in detailed chronological order (i) which of the recommendations of the Royal Agricultural Commission have been given effect to by legislation or executive orders, and (ii) when and with what effect?

(b) Do Government propose to undertake to publish a periodical survey of the progress of such legislation and executive action along the same lines as the survey of labour legislation?

Sir Girja Shankar Bajpai: (a) Reports are issued by the Government of India biennially showing the progress made in giving effect to the recommendations of the Royal Commission on Agriculture in India, and the attention of the Honourable Member is invited to part I of the fifth report which gives complete information about the action taken up to the end of 1935 on the recommendations concerning the Government of India. As regards the action taken by Local Governments on recommendations which concern them, his attention is invited to part II of the first four reports. All these reports are available in the Library of the House. The second part of the 5th report which will bring the provincial information upto date is in course of preparation and will be supplied to the Library as soon as it is ready.

(b) The suggestion is being considered.

Prof. N.G. Ranga: Will Government consider the advisability of publishing an annual report on the action taken on the recommendations of the Royal Commission instead of a biennial report?

Sir Girja Shankar Bajpai: The period was fixed after full consideration of the requirements of the case, and Government see no reason to revise their decision.

Mr. M.S. Aney: Cannot the Honourable Member say on what recommendations the Government are prepared to take no action at all!

Sir Girja Shankar Bajpai: I think the Honourable Member had better read the biennial report. He knows what a voluminous document the report of the Royal Commission on Agriculture is and what the range of the recommendations is, and I could not say offhand which recommendations have been acted upon and which not.

Mr. M.S. Aney: Will Government please prepare a statement and lay it on the table of the House?

Sir Girja Shankar Bajpai: That is a question of inference. You go through the biennial reports where you have a record of the progress as also of the lack of progress.

Mr. M.S. Aney: Will Government kindly save us this trouble by asking the Department to do this work?

Sir Girja Shankar Bajpai: No. I think if Honourable Members are really interested in the report of the Royal Commission on Agriculture, which is a very bulky document and which my Department is constantly taking the trouble of studying, they may give themselves the very much lesser trouble of reading the tabulated information given in the summary.

Mr. N.M. Joshi: Will the Honourable Member consider the advisability and practicability of supplying copies of the latest report on the action taken on the report of the Royal Commission on Agriculture?

Mr. M. A. Jinnah: Rs. 20 a day is not enough for that labour.

Sir Girja Shankar Bajpai: That raises a general question.

Mr. M. A. Jinnah: Also a particular question.

Sir Girja Shankar Bajpai: I was going to say that I shall answer the particular case by the general answer, which is that if Honourable Members who are interested in a particular activity of Government would like to have these publications I will be prepared to consider the question of complying with their request. And as to what fell from my Honourable friend, Mr. Jinnah, I may venture to submit that I hope that Honourable Members work not for Rs.20 a day, but because they regard the work as a labour of love.

Mr. N.V. Gadgil: Will the Honourable Member speak a little slowly?

Mr. M. A. Jinnah: May I tell my Honourable friends on the Treasury Bench that they ought not to put an undue burden on us, but facilitate our work, especially when they have got high salaried officials on the other side, and a tremendous staff, and that we expect them to give us information in a readable form, and I think they ought to help us.

Sir Girja Shankar Bajpai: I think if my Honourable friend will take the trouble of going through the document to which I have referred he will find that it does give the information asked for in as compendious and convenient a form as is possible, considering the volume and range of the information covered by the report.

The Legislative Assembly Debates, 1936,
Vol: VI pp. 843-845.

98

Speech in the Central Legislative Assembly on the question "Views regarding the British Government's Policy in Palestine", Simla, September 11, 1936.

Mr. M. Asif Ali: Has Government's attention been drawn to the views of Pandit Jawaharlal Nehru, the President of the Indian National Congress, the Jamiatul Ulema-i-Hind and numerous other public bodies representing responsible opinion, regarding the British Government's policy in Palestine? If so, have they communicated these views to the British Government?

The Honourable Sir Henry Craik: Government are aware of the feeling expressed in India in this matter and have brought these expressions of opinion to the notice of His Majesty's Government.

Mr. S. Satyamurti: When did they send the last communication?

The Honourable Sir Henry Craik: We have addressed three or four communicatons. We are in constant correspondence with His Majesty's Government about it.

Mr. S. Satyamurti: What was the date of the latest communication?

The Honourable Sir Henry Craik: I cannot say without notice.

Mr. S. Satyamurti: May I know if the Government of India were consulted, before His Majesty's Government decided to send troops to Palestine to coerce the Arabs?

The Honourable Sir Henry Craik: No.

Mr. S. Satyamurti: May I know if the Government of

India have communicated to His Majesty's Government the strong feeling of India against the present policy of unrestricted immigration of Jews into Palestine, which is against His Majesty's Government's undertaking to the Muslims of India?

The Honourable Sir Henry Craik: The despatch of troops took place only within the last day or two, but we will communicate the feeling in India to His Majesty's Government.

Mr. S. Satyamurti: Have they done anything so far in the matter? Since the despatch of troops to Palestine to coerce the people there, have the Government of India done anything to bring to the notice of His Majesty's Government the strong feeling in India against this procedure?

The Honourable Sir Henry Craik: The despatch of troops has taken place only yesterday or the day before.

Mr. S. Satyamurti: Are there no cables or other means available to the Government of India?

The Honourable Sir Henry Craik: There has so far been no expression of opinion on that.

Mr. S. Satyamurti: There will be tomorrow morning.

Mr. M. A. Jinnah: May I ask the Honourable Member whether the Government of India are aware that during the last six months public meetings have been held by the Muslims of India?

Prof. N. G. Ranga: By others also.

Mr. M. A. Jinnah: And by others also. Protest after protest has been sent to the Government. Have they taken any step and if so, what step?

The Honourable Sir Henry Craik: The Government of India are quite aware of that fact and have reported to His Majesty's Government.

Mr. M. A. Jinnah: Have the Government of India got any reply from His Majesty's Government with regard to this matter?

The Honourable Sir Henry Craik: I do not think they have.

Mr. M. A. Jinnah: Then His Majesty's Government have treated all the inforamtion that you have submitted with contempt?

The Honourable Sir Henry Craik: I do not think that that inference can be drawn at all. I have no doubt that the state of affairs as reported to His Majesty's Government has received their careful attention.

Mr. S. Satyamurti: The result is the despatch of troops there.

The Legislative Assembly Debates, 1936,
Vol: VI, pp. 847-48.

99

Statement regarding election of the Bombay Muslim seat in the Council of State, Simla, September 13, 1936.

Mr. M. A. Jinnah has issued the following statement:

"Last February, Sir Sulaiman Kassum Mitha and Sir Rahimtullah Chinoy left the question as to who should stand for and contest the election of the Bombay Muslim seat in the Council of State to my decision. Since then, the term of the Council was extended by six months and, therefore, there was no need to decide one way or the other. But now that I understand that the elections of the Council of State are going to take place, Sir Rahimtullah Chinoy has intimated to me that he does not wish to stand for and contest the election.

"That being so, it is not necessary for me to decide as to who should stand. Sir Sulaiman Kassum Mitha is free, therefore, to stand for and contest the election if there is any other candidate in the field." (A.P.I.)

The Star of India, September 16, 1936.

100

Speech in the Central Legislative Assembly on the question regarding 'British Policy in Palestine', Simla, September 14, 1936.

Sir Muhammad Yakub: (a) Are Government aware that there is a great feeling amongst the Mussalmans all over India on account of Britain's policy in Palestine, and particularly the recent announcement of the British Government to inaugurate an aggressive military campaign in that country has extremely perturbed and agitated the Muslim mind in India?

(b) Will Government be pleased to inform the British Government accordingly?

The Honourable Sir Henry Craik: (a) The Government of India are aware that the Palestine situation is a source of concern to Indian Muslims. A study of the announcement recently issued in London will make it clear that the sole object of His Majesty's Government is the restoration of law and order in fulfilment of their duty as the mandatory power, and that they have emphasized their anxiety to maintain an impartial attitude, and specially to maintain relations of friendship and confidence with the Muslim peoples throughout the world. The announcement also made clear the conviction of

His Majesty's Government that the restoration of law and order at the earliest possible date is in the interests of all parties concerned.

(b) The Government of India have been in constant communication with His Majesty's Government on this matter, and they will of course continue to keep them informed of Moslem feeling in India in regard to it.

Mr. M. A. Jinnah: Are the Government of India aware that Great Britain as the mandatory power is carrying out its mandate in a way which must result in the destruction of the Arabs?

The Honourable Sir Henry Craik: That does not arise out of any answer that I have given. It is not my duty to interpret the mandate or the manner in which it is being carried out.

Maulana Shauakt Ali: Will the Honourable Member tell us whether the land in Palestine is capable of accommodating 400,000 Jews instead of 60,000 Jews that were living there before war and whether Sir John Chancellor, the former High Commissioner, and Lord Passfield, the Secretary of State for the Colonies, had to resign on this account because they knew that there was no room for these 400,000 Jews unless you did injustice to the Arabss?

The Honourable Sir Henry Craik: Neither of those questions arise out of any answer I have given. Both parts deal with matters for which the Government of India are in no way responsible and they contain inferences.

Maulana Shaukat Ali: Is there any chance of law and order being established if the Arabs know that they will be wiped out in the interest of the Jews and the mandate is being run more in the interest of the foreign Jews than in the interest of the original inhabitants of Palestine?

The Honourable Sir Henry Craik: That is clearly a hypothetical question.

Mr. K. Ahmad: Is it a fact that the aggression has begun on account of the undue arrival of these Jews in Palestine and their action in the matter of lending money and usurping all the lands of these Arabs......

The Legislative Assembly Debates,
1936, Vol: VI, pp. 931-32.

101

Speech at a meeting of the Central Parliamentary Board of the Muslim League, Simla,September 19, 1936.

Mr. Jinnah reviewing the situation in several provinces said that in Bombay the Board was in full vigour. A strong Board had been formed in Assam. These two provinces, though important in their own way, were not so important as the Punjab, Bengal and the U.P. In the Punjab, the progress was not so satisfactory as desired, but judging from recent reports, the situation was hopeful and would improve very soon. In the U.P., support and political consciousness behind the movement were more solid than in any other province. In Bengal, barring a rift in the lute than in any other province. In Bengal, barring a rift in the lute recently created, everyone who was counted in public life was represented on the Board and Mr. Jinnah had no doubt that it would function better than any other province as the League's activities spread themselves. The only province where no appreciable progress had been made were the Frontier, Sind and Bihar and Orissa. There was a strong party in Sind, which would shortly seek affiliation. In Central Provinces a resolution had been passed to form a Board and he had been requested to go there and help to constitute it. In the frontier, the situation was peculiar and Mr. Jinnah informed the Board that he was visiting the Punjab some time in October and would also visit the Frontier and Sind. The Board will meet next in Calcutta. (A.P.I.)

The Tribune, September 20, 1936.

102

Speech in the Central Legislative Assembly on the resolution regarding 'Interference from Public Servants in the Ensuing Elections', Simla, October 1, 1936.

Dr. Khan Sahib (North-West Frontier province: General): Sir, I beg to move the following Resolution :

"That this Assembly recommends to the Governor General in Council to take immediate steps to secure that Public Servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislature."

Sir, it is a very important question.........

The Honourable Sir Henry Craik: Sir, I suggest that as the question is very important the House may now adjourn.

. . . . .

Sir Muhammad Yakub: I beg to move the amendment which runs as follows:

"That at the end of the Resolution the following be added:

'But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measure'."

.....

Sir Muhammad Yakub:.......I know the U.P. Government have issued strict orders to the district officers not to interfere in any way during the elections.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Excepting the Governor himself!

Sir Muhammad Yakub: But expression of opinion of course is quite natural. (Laughter) I mean to say, individuals cannot be devoid of human feelings. But what I submit is......

Mr. M. A. Jinnah: May I ask the Honourable Member whether he is aware that even the Governor of the United Provinces has tried to interfere?

Sir Muhammad Yakub: Probably my Honourable friend is in the secrets of the Governor of the United Provinces. But I am not.

Mr. M. A. Jinnah: I have got information. Can you deny it!

Sir Muhammad Yakub: So far as I know, it is not a fact.

Dr. N.B. Khare (Nagpur Division: Non-Muhammadan): On a point of order, Sir. The electorates under the Act are communal and religious, and how can there be any ban on religious propaganda? The amendment is barred from this point of view.

.....

Sir Muhammad Yamin Khan.......Let the public decide about it — is their look-out. Everything must be fair. It is not as if everything is fair in love and war. It is not so. With these words I support the amendment as well as the Resolution and I think both should be accepted by the House.

Some Honourable Members: The question may now be put.

Mr. M. A. Jinnah: Sir, it is very unfortunate indeed that the discussion has drifted into totally irrelevant channels. I congratulate the Honourable the Law Member who spoke on behalf of the Government and laid down in his speech a very sound — and indeed the only possible principle: and I was glad that he indicated that the Government were prepared to accept the Resolution. Now, what is the Resolution? I agree with the Government servants. There I quite agree. With that modification let us understand what is really the object of this Resolution. I quite agree that in a large organisation with the changing times to which many of our bureaucratic friends, specially in the various districts are not accustomed to yet, they are liable to go astray, and there is no doubt that they have gone astray. On the other hand, I quite understand that allegations may be exaggerated — may be in some cases unfounded. We are not discussing that now but I think the Government will recognise — and I think the Honourable the Leader of the House who spoke on behalf of Government will recognise — that we have had sufficient evidence to justify the tabling of this Resolution on the floor of this House. I am glad that Government have taken up an attitude of vigilance and I hope that the Government of India will maintain that vigilance and see that no Government servant is allowed to interfere with the elections directly or indirectly. When you use the phrase 'directly or indirectly' what does it mean? It does not mean that if any offence is committed, if any law is broken that those Government servants will fail to perform their duty. It does not mean that. What is the use really of having an absurd amendment of this character? It goes without saying. All the laws are not abolished: all the officers of the Government will not cease to function. It is an absurd thing to suggest a thing like that......

Sir Muhammad Yakub; If the amendment is absurd, it is as absurd as the Resolution itself: both stand on the same footing. When there are laws, what is the use of asking the Government to do this?

Mr. M. A. Jinnah: I am really astonished at the capacity of my Honourable friend who interrupted me. Cannot he follow a simple thing like this? That there is no other remedy open to us. If a Government servant influences an election, it is not illegal; it is not criminal. He is entitled to do it except that he breaks a rule of the service; and that rule has been laid down in Great Britain and in this country for the conduct of Government servants. When we find that there are symptoms, that there is some evidence that this rule is being broken, I cannot prosecute a Government servant if he influences my voter. There is no law against it. I can only appeal to the Government and I can only say to the Government, "Please see that these very rules which are fundamental for the conduct of your servants are observed". Therefore, the Resolution is not at all absurd. It demands that these rules are observed and enforced by Government. But the amendment assumes that if the resolution is passed, then all the laws, criminal and civil, and laws relating to election and all other matter will come to a standstill and will not operate. The absurdity is that. Therefore I do not think I need dilate any more on this question. I think the House ought not misunderstand me – please don't think that I am approving of, or that I am holding a brief for, the conduct of some members of the Congress. And Congress is a big organisation. Congress is a party of thousands and thousands of people all over the country. Those who belong to the Congress are not servants of the Congress. They are not paid by the Congress and it is not easy for them to control individuals.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Paid by whom?

Mr. M. A. Jinnah: Not by you. You would generally like to be paid for what you do! (Laughter) I am not defending it, and I think as the Honourable the Leader of the House pointed out, such conduct has already been condemned by the leaders of the organisation, and I have no doubt that Honourable Members sitting here will endorse when I say that we do not desire hooliganism. ("Hear, hear" from the congress Benches.) We want to go before our people with our policies and programmes, and we want to ask the electors to elect fairly and squarely any one they like. But, Sir, during the course of elections and party controversies, even in the most regulated countries, a certain amount of excitement, a certain amount of disorder is but normal and natural. What happened in England only the other day? Sir Oswald Mosley, the leader of the Fascist Party which he is starting in England — what happened to him?

Mr. F.E. James (Madras: European): Stoned.

Mr. M. A. Jinnah: But there is the law which can deal with it.

Mr. F.E. James: It was not an electioneering speech.

Mr. M. A. Jinnah: Therefore, I say, why mix up these two questions, namely, a party controversy, parties fighting for election, – why mix up that question with the question whether the Government should not be vigilant and see that the Government servants do not influence or take part directly or indirectly in the election? Why mix that up Sir, I have done. I am glad and I say I congratulate Government indeed for taking up the right stand that they have done in enforcing their own rules. (Applause.)

Some Honourable Members: Let the question be now put.

The Honourable Sir Henry Craik: I understand I am entitled to speak on this Resolution for half an hour......I can only say that Government cannot be held responsible if in certain circumstances one or two of the many thousands of Government officers have behaved indiscreetly or shown a partiality for one side or another.

An Honourable Member: But what about Executive Councillors?

The Honourable Sir Henry Craik: But no such allegations have been made in the course of this debate.

Mr. M. A. Jinnah: I must say that I refrained from going into it after the statement made by the Honourable the Law Member, otherwise you would have heard a great deal.

The Legislative Assembly Debates, 1936,
Vol: VIII, pp. 1840, 2201-2, 2220-22.

103

Speech at a public meeting, Lahore, October 11, 1936

Mr. Jinnah said that he had come to Lahore several times in the course of the last few months. That was because he found the Muslims here more backward politically, educationally and economically than the Mussalmans of any other province that he knew of . "Your province is the most official-ridden. Some of your leaders, who hold high position, are the creatures of the Government. They have no desire and no mind to co-operate with the intelligentsia of the Mussalmans. They have no desire but to exploit the masses," he said. Referring to his own mission in the Punjab and the object of the League Board Mr. Jinnah complained that a section of the press was misrepresenting them. He thought that even the worst opponents of the League acknowledged the great and good work which the League had done. "But then," he added, "we are told that ours (League) is a communal body and some of our very nice friends will not come to us just because of that. But can anyone say that the Unionists form a non-communal party simply because there happen to be two Hindus among them? (Laughter) Is there no Hindu party in the Punjab? Is a Sikh party non-existent in this province? I challenge the Unionists to disclose the names of their Hindu and Sikh supporters or members."

Continuing Mr. Jinnah said that there was not a man who was more anxious to co-operate with the Hindus, the Sikhs and the Mussalmans than he. He was willing to co-operate with any party including the Sikhs and the Hindus who could appreciate their programme and policy. But then they had not joint electorate, but separate electorate and that system, he said, was there not because of his asking. It was humanly impossible to have the Hindus and Mussalmans returned on joint electorate because it did not exist at all.

Continuing his speech, Mr. Jinnah said that he felt amused to know that in spite of the communal electorate, some people claimed to have a non-communal party in the Punjab. What sort of a non-communal party was that, he asked? They had 97 per cent Mussalmans and 3 per cent Hindus and they claimed to have a non-communal party. Now who could accept that party as being a non-communal party?

After reading out the resolution of the All India Muslim League authorising the formation of the League Central Parliamentary Board, Mr. Jinnah said that the name of the capital city of their province would go down in history because it was in Lahore that the first meeting of that Board was held on June 8. The decision to form that Board was not arrived at overnight but was the result of thorough deliberations to bring the Muslims of India together on one platform and under one flag. "What we have in our mind is to have, under the circumstances, one strong All-India Party of the Muslims whose members may be governed by rules and regulations of that body so that we may be able to return to the new Provincial Assemblies such representatives as may without any speck of blackness in their hearts." This, he said, was undoubtedly a stupendous task but if once they succeeded they would achieve great things. "The first thing which would happen and that is why some of our friends are unwilling to come to us will be that the new Ministers will not be the creatures of the Governors, but be the chosen representatives of their own elected representatives."

Mr. Jinnah said that he had been charged with intimidating the people to join the League Board. He had the Nawab of Chhattari and Nawab Yusuf Ahmed and would be glad to have Sir Sikander on the League Board. Some of their friends among the Unionists, he said, had been thinking that he considered them toadies or flunkies because they did not come to him. He denied that charge with the retort saying :"In spite of all what those friends are, I am not so stupid as to think of them like that." "What I want," said Mr. Jinnah pulling his own self a little and stretching his fist, "is to break the Ministries which have already been formed here. I am, however not at all out to form a ministry myself, for I am not the Governor." He warned the Hindus also against the formation of such Ministries lest they should "lose few of their men who will go over to the other side." Speaking to the Hindus he said, "our desire is not to form a Muslim government with a view to terrify and crush the Hindus. We will support the Hindus even though we may differ now. If we are in a majority, the Mussalmans will not be true to their salt if they will not give a fair chance to the Hindus."

He refused to admit that being a non-Punjabi he was unaware of the strange circumstances of this province. He would not leave the Punjab on that score. "The brave Mussalmans of the Punjab have been my right arm; they have never forsaken me before. The Mussalmans of other Provinces have not forsaken them even in their hour of need. They have stood by you. Now will you betray them? No, I am sure you will stand by them."

A Democracy of Muslims

Continuing Mr. Jinnah said that the Mussalmans were faced with numerous All-India issues which would increase all the more and he wanted to organise the Muslims to be able to face those issues and work together in discipline. He wanted to democracy of the Mussalmans to be formed and decide all matters for their community with an authority which could not be challenged by anyone.

Mr. Jinnah, however, did not want to be aggressive, but said that with the help of the masses he would hammer out a strong block to march together with the Hindus for the freedom of the country. He, however, thought that the Hindus had to weed out much of their stock too to keep company with the Muslims. "When that happens and when better Hindus and better Mussalmans are sent to the legislature and they come together there will be a genuine agreement between them and that is the likelihood and probability which is frightening the bureaucracy," said Mr. Jinnah. He wanted the Hindus to believe him that theirs was not an aggressive movement. "If Sir Sikander was so anxious to have a non-communal party and serve his people may I know why he did not resign from the Reserve Bank earlier? Why is he resigning now? May I also know why Nawab Muzaffar Khan has been granted leave and why is it that Sir Sikander is now coming to occupy that office again," asked Mr. Jinnah, "His Excellency the Governor of the Punjab is not far away from where I am speaking and I appeal to him and his Government to honour the pledge of complete official non-interference in the elections given by the Government of India in the Assembly."

Mr. Jinnah, then asked the people to remember the value of their vote which would be double this time; for the representatives whom they would elect by their votes will in turn elect representatives on their behalf for the Federal Legislature when it came into existence. He appealed to the voters not to be misled and not vote for any one because of relationship. He asked them to make their own choice which he was sure would fall upon the League candidates for voters would vote for the best candidate only. Concluding his speech, Mr. Jinnah made an appeal to the Mussalmans to join the Muslim League also.

The Tribune, October 13, 1936.

104

Press interview regarding Punjab politics, Lahore, October 14, 1936.

Mr. Jinnah appears to be very optimistic and told the *Tribune* representative that he was confident that the progressive forces among the Mussalmans would certainly carry the day.

Mr. Jinnah discussing the prospects of the various parties in the Punjab and the grouping which might take place after the elections expressed his confirmed opinion that the progressive elements were sure to unite. But he added, "My warning to the various progressive elements in the Punjab, be they Hindus, Mussalmans or Sikhs, is that the Punjab is in danger of being saddled with a Ministry of the Governor. Let us all concentrate on one vital issue. We msut, in any case, secure a ministry of our own choice which will be answerable and responsible to the progressive elements of the various communities."

He added, "I fear that there is a caucus that is likely to be effective, because they depend on Pocket-Boroughs, subsidised press and active interference in the elections on the part of the officials. If the intelligentsia of the Punjab is not vigilant this caucus will succeed and a ministry will be formed which though in name will be Indian yet in fact will carry out the behests of the Governor." Mr. Jinnah expressed his grave apprehension and said, "If that comes about the position of the Punjab will be far worse than it is even under the present constitution. Do you know what will happen then; the Governor will take the greatest pride in declaring that he never exercised his special or extraordinary powers and the Reforms worked in a most satisfactory manner in this province. I am convinced that the Unionist Party is a spearhead of this scheme, but there are elements among the Sikhs and the Hindus who are likely to line upon with them."

Referring to the criticism of the Press on his inaugural speech Mr. Jinnah said that he had kept the door of the League Board open for anyone who would be willing to come under its flag and agree to abide by their rules and regulations. He added, "even the most famous reactionary can have a place under the League flag but then he has to abide by the constitution of the League Board and not dictate it. The controlling authority in the League Board msut always be, and is, the progressive element. Our door cannot be shut against any one who would willingly change his creed." Concluding he said, "Under the Muslim League Parliamentary Board there is nothing to prevent us from co-operating with group or groups where aims and objects and ideals are practically the same. This can be done both before and after the elections, and it is surely possible for the progressive elements to agree upon a common programme of work in the Legislature."

The Tribune, October 15, 1936.

105

Speech at a public meeting, Lahore, October 14, 1936.

"Do not be mere visionaries or dreamers. You have a great future. You must learn to study, analyse and understand the conditions that prevail in your country. The students should, and they can, play a great part in moulding the future of our country by exercising their votes – which I understand most of them have – if not for the general benefit of the masses at least for getting their own grievances redressed." In these words Mr. M. A. Jinnah, M.L.A. exhorted the students of Lahore at a public meeting held under the auspices of the Students' Union this evening in the Lajpat Rai Hall to "awake from their slumber and organise themselves and see that they get honest, real, sincere and patriotic representatives returned to the new legislature". Mr. Manohar Lal, Bar-at-Law, M.L.C., presided at the meeting.

Mr. Jinnah who spoke on "The Students and the future of India" began by saying that from one point of view the future of the students and of the country was dark. Unemployment was staring them in their faces. But he added that by their effort young men could make their future bright. He said "I understand that a large number of students have votes. By exercising that right of yours for right persons and parties you can play a great part in moulding the future of your country."

He, however, warned the students not to be carried away by talks of ideals. They should think of the immediate future. "You may like it or you may not like it, on the 1st of April next a new constitution is going to be enforced. The question is what are you going to do? You must play a part in moulding and shaping the future of your country if not for the sake of general people at any rate for your own sake."

Referring to the future constitution, Mr. Jinnah said, however bad it was, it was going to be introduced. "Whoever may be the Governor and whatever may be his wishes, under this constitution he cannot appoint Ministers unless they are backed by a majority". "Now if you to have honest, sincere, patriotic and real representatives returned to form a Ministry what are you going to do and what have you already done? Organise yourself and do your best to secure the correct type of representatives. Once you succeed in that you will have a Ministry that will be really responsible to the electorate." Mr. Jinnah re-emphasised the point. He said, "I am sorry for the repetition, but I must say that if the intelligentsia is not vigilant, the Ministry will be formed by somebody else and then the Ministry will carry out the orders of the powers that be".

He made a stirring appeal to the students. "Now, youngmen" he said, "be up and doing, wake up from your slumber and in spite of the difficulties that lie before you and hinder your path in spite of the separate electorate — you may settle all these things latter on — face the immediate issue. Do not waste your time over academic discussions and talks of Dominion Status and independence." Proceeding, Mr. Jinnah, said, "India is moving — and moving very fast. You find a marked difference in the mentalities of a father of 35 years and his son or daughter of 10 years. India is surely moving forward socially, economically and politically. The people may not be sufficiently organised and harmonised but the awakening is there." Concluding, Mr. Jinnah said, "I do not mean any disrespect, but

I msut say that the Punjab is not quite as advanced as some other provinces are. But then it has its own virtues — warmth, cordiality, and virility. Once the Punjab begins moving in the right direction it may leave others behind."

The Tribune, October 15, 1936.

106

Press interview regarding his mission to bring about unity among the Frontier Muslims, Peshawar, October 18, 1936.

Interviewed by the 'Associated Press,' Mr. Jinnah explained that his mission was to bring about unity and solidarity among the Frontier Muslims and organise a strong Muslim party based on principles and a policy and programme that would inspire confidence in the Frontier minorities also. He wanted to organise Muslims not against the other communities but in national interest.

The Star of India, October 20, 1936.

107

Speech at a public meeting, Peshawar, October 19, 1936.

"If out of the 80 million Indian Muslims I can produce a patriotic and liberal-minded nationalist bloc, who will be able to march hand in hand with the progressive elements in other communities, I will have rendered great service to my community," declared Mr. M. A. Jinnah at a public meeting.

Outlining the League programme, he appealed to the Frontier Muslims "to rise above personalities, think of their province and the people of India and unite to hammer out an advanced nationalistic bloc from among Muslims to send them to the Provincial Assembly." He said the same to the Hindus and Sikhs. He wanted to bring the Frontier Muslims under party discipline and control by orgnaising League branches. He confessed that there was "a great deal of rubbish in his community and elsewhere". They had black sheep everywhere and he wanted to weed them out. Mr. Jinnah advised the Frontier Muslims not to think in terms of revolution alone nor think that they could achieve everything by unlawful activities if only they captured the constitutional machinery coming into operation in April next.

The Civil Military Gazette, October 20, 1936.

108

Press interview regarding co-opeeration with Congress or any other progressive party, Bombay, November 3, 1936.

"As natural corollary of the success of the Muslim League scheme is that the progressive elements of different communities will cooperate with each other readily and with the sanction and authority of their respective communities behind them for the good of India," said Mr. Jinnah, in the course of an interview with Associated Press on his return to Bombay from a tour of the provinces where he had gone to organize the Muslim League Board.

"Our course, it is obvious we do not agree with the programme and policy of the Indian National Congress. But in the various legislatures the Congress Party, or any other party, which stands for the progress and welfare of our motherland will naturally receive our co-operation, as we expect to receive their co-operation for the same object. The foundations that have been laid for starting provincial Muslim League Boards are going to last, develop and grow into a much bigger movement and organization than many people at present realise."

The Punjab, said Mr. Jinnah, "is in my opinion an official-ridden province, there being reactionary elements in all three communities." Referring to the Frontier he said I have found the Frontier far more politically minded and I see there greater possibilities of cooperation and harmony and I should not be surprised if Frontier works its way up more successfully than most other provinces." He concluded: "I do not want to be aggressive, but with the help of the masses we will be able to hammeer out a strong bloc to march together with the Hindu for the freedom of the country. Our Hindu friends also have to weed out much of their stocks. When that happens better Hindus and better Muslims will be sent to the legislatures." (A.P.I.)

The Statesman, November 4, 1936.

109

Press interview removing A.K. Fazlul Huq from the Muslim League Board, Bombay, November 3, 1936.

Mr. M. A. Jinnah, President Muslim League Central Parliamentary Board, has removed Maulvi Fazlul Huq, M.L.A., from the membership of the Board holding him guilty of breach of solemn agreement, insubordination, disloyalty and defiance of principles and policies laid down by the Board.

In a press interview in connection with Maulvi Fazlul Huq's letter appearing in the press charging Mr. Jinnah with sudden change of front after his visit to Government House, Calcutta, Mr. Jinnah said he had not received any such letter from Maulvi Fazlul Huq. Mr. Jinnah further said the Bengal Governor was his personal friend long before he became the Governor. Mr. Jinnah did not think there was any need for explanation on his visit to the Governor, which was a friendly one. Mr. Jinnah further told the press representative that he had written a letter to Maulvi Fazlul Huq dated 22nd October calling for an explanation regarding his certain activities in defiance of the fundamental principles of the League Board. He had not received a reply to the above letter till 29th October when he read a summary of the letter, supposed to have been written by Maulvi Fazlul Huq. Mr. Jinnah said he had not received any such letter from Mr. Huq and on 30th October he wrote another letter to him removing his name from the membership of the Board. (United Press)

The Tribune, November 4, 1936

110

Speech at a meeting held under the auspices of the Muslim Students' Union, Bombay, December 15, 1936.

Addressing a meeting held under the auspices of the Muslim Students Union, Mr. M. A. Jinnah said: "When an issue comes, wherever we are, either in the legislatures or outside, we will never desert the national cause to fight for the country." Replying to criticism levelled against the Muslim League in certain quarters, Mr. Jinnah said: "There is no sinister motive behind our organisation. We are striving to gather strength so that we may be able to be independent, progressive, patriotic and nationalist to stand by the interests of the country. We have got to hammer out plans by which two great communities shall come together and work for the common good of the country.

"Under the present conditions, don't be carried away by slogans entirely divorced from realities of the present conditions of the country. The object of the Muslim League is to co-operate with all nationalist and progressive groups of the country. At present the Muslim League is the only organisation in the country which will act to 'deliver the goods' on behalf of Muslims. The Muslim League is pledged against the new constitution or for replacing it by democratic full self-government. Though the League is pledged for the rejection of reforms, it will work to extract the maximum benefit out of the constitution for the uplift of the people." Mr. Jinnah after explaining the Lucknow Pact, prophesied that it would not be long before leaders of Hindus and Muslims join together to work under a common programme and chalk out a common policy. At present it was difficult, since the Congress had pledged and had determined a policy with which even a section of the Hindus do not agree. He regretted that separate electorates would continue till the time Hindus and Muslims ceased thinking as Hindus and Muslims.

The Civil & Military Gazette, December 16, 1936.

1937

111

Speech at a mixed gathering of Hindus and Muslims, Nagpur, January 1, 1937.

"Hindus and Muslims should present a united front; they must stand together and work together for the welfare of your province and for the freedom of our motherland," declared Mr. M. A. Jinnah, M.L.A., President of the All-India Muslim League, addressing a mixed audience estimated at over 3,000 Hindus and Muslims at Chitnis Park.

Explaining the objective of the League Mr. Jinnah said that it stood for independent and progressive ideas. Their desire was to send out the best representatives in the new legislatures who would cooperate with other progressive groups for the uplift, progress and freedom of the motherland. His advice to Muslim as also to the sister communities was to produce by a process of hammering fine steel and weed out those obstructing their march to freedom.

Mr. Jinnah was sure that better minds among both the communities would work their way in achieving the common goal. He emphasised that their duty was to ensure that every section of the people of the country was raised to a higher standard and said that there was no hope of progress so long as they had, amidst them, people who neglected or remained useless units of the country.

Stressing the need for the uplift of members of the depressed classes whom the speaker looked upon as equals, he said that he did not bother about the question of temple entry and did not desire to encroach upon the sentiments of orthodox people but wanted to remind them that it was their duty that each community secured proper place in the political life of the country.

Star of India, January 2, 1937 &
The Civil & Military Gazette January 3, 1937.

112

Statement on the split between two sections of Muslims in Central Provinces, Nagpur, January 2, 1937.

"I was pleased when they agree to a pact agreeing to a common list of candidates to be adopted on December 22. There was to be one Board to be affiliated and recognised by the Central League Board as soon as possible according to our rules. But unfortunately after their return (to Nagpur) Mr. M.Y. Shariff and his colleagues informed me that Mr. Syed Rauff Shah and his colleague had repudiated the pact whereas Mr. Rauff Shah and his colleagues informed me that Mr. Shariff and his colleagues repudiated the pact. This brought me to Nagpur. Without going into the question as to who was responsible for not being willing to carry out the terms. I asked whether they were now, in my presence, willing to stand by the pact and carry out the terms they had agreed a few days ago in Bombay.

"I found that Mr. Rauff Shah and his colleagues were willing to stand by the pact; but Mr. Shariff (President of the Provincial League Board) informed me that as his party had already passed a resolution adopting their candidates after the repudiation of the pact by Mr. Rauff Shah and his colleagues, they now could not go back and were unable to implement the pact. Hence no settlement could be arrived at."

"I want Muslims to unite and maintain their position in public life," observed Mr. Jinnah addressing a large gathering of Muslims held under the auspices of the Muslim Association, while here. After stressing the need of inculcating patriotic and national feeling he said that in the first place they must devote their attention to setting affairs at home in order. They had to do a good deal of spadework as they were still backward, socially, economically and politically.

India to-day, continued Mr. Jinnah, was in a melting pot. The India Act was not a permanent thing and owing to its transitory nature, could not last for more than a decade. What they were now concerned with was the problem of their uplift. He wanted that Muslims should stand on their own merits, not as beggars looking for concessions either from the Government or other communities. Pandit Nehru said the other day that there were two parties in the country, the Government and the Congress and others must line up with the latter. Mr. Jinnah said that the Congress with its predetermined policy naturally claimed to represent the country.

What he wished to emphasise was that Muslims must organise themselves under the banner of the Muslim League and speak with united voice. It was for them to decide whether they were with one of the two parties, Government or the Congress, but let them reach a unanimous decision. If they organised themselves, whichever way they went they would be respected and heard. The position to-day was that none seemed to care "what you think". The speaker, therefore, advised them to organise the community into one compact body whose voice could not be challenged.

Mr. Jinnah, concluding declared that he was convinced that India's freedom would be won the day when Muslims and other communities cleansed those elements which obstructed their common path to progress. (A.P.I.)

The Star of India, January, 6, 1937

113

Speech at a public meeting held at the death anniversary of the late Maulana Muhammad Ali, Calcutta, January 3, 1937.

"Gentlemen I feel proud to be asked to preside over this meeting. Maulana Muhammad Ali was a dear friend of mine for more than 30 years. I was most closely associated with him. This is my proud privilege to preside over this anniversary meeting to mourn his loss and honour his sacred memory.

"Muhammad Ali was a great champion of Islam. He was one of the foremost leaders of India, he was a great journalist, a master of literature and a scholar. He could have shown reason to the highest position in any walk of life in the world. But, as one of the speakers said, his was a mission of sacrifice for principle and he actually sacrificed everything for India and Islam. He fought Muslims and joined the Congress. He fought Hindus and joined the Muslim League. He was almost the founder of the All India Muslim League. The torch that was lit by Maulana Muhammad Ali and the illustrious father of the present Nawab of Dacca 30 years ago in Bengal was carried by him and by many smaller men right up to the moment of his death. He is no more with us in body but his soul is with us. Let us carry that torch onward, gain strength by his noble and inspiring example of self-sacrifice and serve Islam and India, to the best of our ability. This great gathering of the citizens of Calcutta is an unmistakable proof of the greatness of the departed soul. We must learn this lesson from it that those who serve and sacrifice are never forgotten by the people. The Muslims would not forget the faithful services of a sincere worker. It is a lesson to learn.

Torch Lit 30 Years Ago

"Gentlemen, Mr. Muhammad Ali, as I told you, was a great political leader. Today we are on the threshold of a new Constitution in the provinces. We shall not be doing justice to the blessed memory of the late Maulna Muhammad Ali if we do not carry the torch, he lit 30 years ago, onward and forward. We are fighting elections and, I am sure, if he had been living today, he would have fought for the Muslim League. The Muslim League is the only Muslim political organization that counts. I appeal to Muslims to join and make it a strong and really representative Parliament of Muslim India, a body that may speak with unchallenged authority on behalf of the 80 million Muslims of this sub-continent.

Support League Candidates

"People would come to you for votes with promises. It is easy to make big and empty promises but very difficult to fulfil them in real practice. You have to judge; you have to vote; it is for you to see that you do not make mistakes. It would not be fair for me to say that every candidate of the Muslim League Board is the best, (I mean by the best a great parliamentarian, a great statesman and a great orator). Nowhere in the world you can find a party composed for all parliamentarians and orators. That is absolutely impossible. But still I say that Muslims should vote for the Muslim League candidates. You would ask me why should you support the League and not independent individual candidates.

We are all for League

"I again answer: The All India Muslim League has got its Policy and Programme laid down in black and white. Do you approve this policy and programme? If you do approve why do you not support the league? I do not see any reason why a man should approve the policy of the League and should not work under it. Demand of every independent candidate if he has got a different coherent programme to present? What is it that he objects to in the League Programme? What, exactly is that different policy? Do not be led away by the cries of 'Hunger' and Dal Bhat. You must remember that nobody in the world can solve fundamental economic, financial and social problems of a country overnight.

Machinery of Control

"Muslim League is not dictated by one or a few persons. We have a Central Board and under it Provincial Boards These Boards are responsible bodies. When a representative – even a leader of the position of the Nawab of Dacca – departs from the policy and programme of the Muslim League, we will haul him up. We have our own rules. We have our own regulations. We have our machinery of control. We can remove his name from our party. No individual can defy us. Your Muslim League Boards are composed of some men at least whom you can trust. There are some persons at least who have served you in the past and who are capable of serving you in the future. Your national policy and principles will be maintained through this national controlling Board. What an independent member will do? What control is there for an independent member? Who will watch and see whether he was behaving or not?

Leave Muslim Alone

"Gentlemen I find in this province too much interference of the Hindus and the Congress in Muslim affairs. I warn the Hindus; I warn the Congress. Leave the Muslims of Bengal alone. Our policy and programme is not a selfish one. We are ready and willing to co-operate with any group of progressive and independent character provided its policy and programme approximately correspond with that of our own. We are not going to be camp followers of any party. Mr. Jawaharlal Nehru is reported to have said that there are only two parties in India – the Government and the Congress – and others must line up. I refuse to line up with the Congress. I refuse to accept this proposition. There is a third party in this country and that is Muslim India. We are not going to be dictated to by anybody. We are willing as equal partners to come to a settlement with our sister communities in the interest of India.

Problem of Poverty

"Gentlemen I again warn you. Don't be misled by beautiful promises, clap-trap and bamboozlement of electioneering campaign. I feel more than any man in this country the dire poverty from which our people are suffering. You are not going to change it overnight. Ours is not the only country that is suffering from it. It is an all-pervading world disease of civilization. We are ashamed to acknowledge that it is perhaps worst in India. But still I am bold to say that you are not going to abolish poverty tomorrow.

"Men may promise to abolish the Permanent Settlement tomorrow. But in fact it is a moonshine and a false promise. Poverty, low standard of living, suffering, disease, insanitation, and illiteracy can only be removed if you wake up yourself and put the right men in the legislature and dictate to them the right policy.

No Empty, False Promises

"We are not going to make false promises. The bedrock of our policy and programme is the uplift of the poor. Ten items of our programme are entirely for the benefit of the poor and the uplift of the backward classes and we mean to do it. We have our men who are determined to carry them out and we will force them to do it. Gentlemen, believe me that even if we succeed in carrying 5 out of these 10 points we will do a great thing for India and her teeming millions and I assure you that we are firmly determined to implement every word of it wholeheartedly and sincerely. The managers of the party are men who mean business and are resolved to realize them in practice. Gentlemen, I appeal to you in the name of the solidarity of the 80 million Muslims of India, I appeal to you in the name of your own interest, I appeal to you in the name of your national organization and unity to see that those who create differences in your camp at this critical juncture are smashed up and the flag of the Muslim League is carried into the Legislature."

The Star of India, January 4, 1937.

114

Speech at the Inaugural Public Meeting of the Election Campaign, Calcutta, January 3, 1937.

"I regret the Congress interfering in the affairs of Muslims by putting up Muslim candidates in opposition to the League candidates" declared Mr. M. A. Jinnah when he inaugurated the election campaign on behalf of the Muslim League Parliamentary Board, Bengal.

The Muslim League is the only Muslim political organization that counts. I appeal to Muslims to join and make it a strong and really representative Parliament of Muslim India, a body that may speak with unchallenged authority on behalf of the 80 million Muslims of this subcontinent. Do not be led away by the cries of "Hunger" and *Dal Bhat*. You must remember that nobody in the world can solve the fundamental economic, financial and social problems of a country overnight.

"Gentlemen, I find in this province too much interference of the Hindu and the Congress in Muslim affairs. I warn the Hindus; I warn the Congress. Leave the Muslims of Bengal alone. Our policy and programme is not a selfish one. We are ready and willing to cooperate with any group of progressive and independent character provided its policy and programme approximately correspond with that of our own. We are not going to be camp followers of any party. We are ready to work as equal partners with a settlement for the welfare of India".

Mr. Jawaharlal Nehru is reported to have said that there are only two parties in India–the Government and the Congress–and others must line up. I refuse to line up with the Congress, I refuse to accept this proposition. There is a third party in this country namely, Mussalmans. We are not going to be dictated to by anybody.

Star of India, January 4, 1937 &
The Civil & Military Gazette, January 5, 1937.

115

Speech at a public meeting at the Curzon Hall, Dacca, January 7, 1937.

Mr. Jinnah addressed a public meeting at the Curzon Hall explaining the policy and principle of the All India Muslim League.

He said that at present there was a fundamental difference between the Muslims and the Congress and he felt that the Lucknow Pact between the Congress and the League stood out as a landmark in the political history of India and if the Muslims had been able to settle their differences once, Mr. Jinnah saw no reason why the same could not be achieved again. It was for that reason that the League was endeavouring by systematic organisation to produce the best materials among the Muslims.

Both the Hindus and Muslims, he said, were required to weed out the obstructive and objectionable elements. He asked those of his Hindu friends who got delirious over the Communal Award to drop that attitude and not to make a fetich of it. He asked them to think of the larger interests of the country. There was a certain section of the Press, he said, that suffered from the communal phobia. Mr. Jinnah asked them to understand that it served no purpose. On the contrary it led to bitterness. They could not achieve anything by using the Press for the purpose of misrepresentation and propagation of untruth. Proceeding, Mr. Jinnah said, what was required was sound common sense, practical wisdom and better understanding to achieve the freedom of India, and he was sure the Muslims would not lag behind in the struggle for freedom.

Common Programme

In spite of separate electorate and in spite of the difficulty that faced the country, continued Mr. Jinnah, the Hindus and Muslims could join hands and form one party, provided they could agree upon a common policy and programme according to which they could work together both inside the Legislature and outside. This was in their hands today. He appealed to the Muslims to support the All India Muslim League and its policy and programme. It was the only organised body and an all-India body. Solidarity and unity among the Muslims were the first essential for their progress.

The League candidates, when returned on their pledge to the League and its policy and programme, would be under the control of the League's Board and party discipline. Any independent candidate or mushroom group, he said, would not, when returned, be responsible to anybody and they would act and do what they liked. They were selfish and standing in the way of unity of Muslims. (A.P.I.)

The Star of India, January 9, 1937.

116

Speech at the meeting of the students of the Salimullah Muslim Hall, Dacca, January 7, 1937

Mr. M. A. Jinnah, addressing the students of the Salimullah Muslim Hall of the Dacca University, laid special stress on the Muslim solidarity not only of Bengal but of the whole of India. The Muslim League programme, he said, contains cent per cent national principles. Mr. Jinnah yet longed for separate electorate because it would bring out the best minds of the Muslim community for co-operating with those of the sister community if the latter would consent to co-operate.

The Bengal Muslims will have 119 seats in Bengal legislature which meant greater responsibility to be discharged satisfactorily and manfully. Though the Governor theoretically will have special power in the coming constitution, he would not be able to do whatever he liked against the opinion of the legislature and the ministry. He expected the Muslim Hall students to lead the whole of Bengal, nay the whole of India and to carry the torch of Muslim unity throughout the length and breadth of the motherland who expected much from them. (U.P.)

The Tribune, January 12, 1937

117

Speech at a public meeting, Mymensingh, January 8, 1937.

"Mr. Jinnah explained the aims and objects of the Muslim League, necessity of Muslim solidarity and the importance of League Party's success in the Assembly election and requested Muslims to vote for League nominees who are pledged to carry out the policy and programme of the League and serve the Proja interest. Any breach of the pledge would render the League members removal from the Party even if they were the biggest of men.

He warned the voters not to believe false promises of designing people. Other communities have strong parties, the Muslims should forget differences and unite under the banner of the Muslim League.

The Star of India, January 9, 1937.

118

Statement regarding Ghuznavi Burdwan Pact, Bombay, January 14, 1937.

"I have read the correspondence between Sir A.H. Ghuznavi and the Maharaja of Burdwan. I was not invited to the Third Round Table Conference, for reasons well-known and therefore I cannot say what took place in England in 1933, nor have I any knowledge of what was referred to in Sir A H. Ghuznavi's letter. I had no knowledge of these proposals. On the merits of the proposals themselves, I shall not be justified in expressing any opinion without the authority at any rate of the Council of the All-India Muslim League. It will be for the Council of the Muslim League to consider and to decide, one way or the other, but I must say that these two people have acted in their individual capacities and, therefore, that they have adopted the wrong procedure."

In regard to the suggestion that he had been requested, as leader of the Independent Party in the Assembly, to instruct his colleagues not to attend the session till February 23, Mr. Jinnah said that he had received a letter from Mr. Bhulabhai Desai leader of the Congress Party, to that effect, but that he had no time to consult his colleagues and, therefore, that he did not know what was going to happen.

He agreed that it was inconvenient to attend and said that he himself might not be able to attend the session for some time, as he would be engaged in election work. (A.P.)

The Civil & Military Gazette, January 16, 1937.

119

Statement in reply to Pandit Jawahar Lal Nehru, Bombay, January 19, 1937

The urgent question facing every nationalist in India today is how to create unity out of diversity and not fight each other. The All-India Muslim League is trying to do this in its own humble way and it has no quarrel with those who are fighting for the country's freedom.

"As I have always maintained, the Muslim League is prepared to join hands with any progressive party in the fight for the country's freedom, but to achieve this the question of minorities must be settled satisfactorily. Here I am not talking of only Muslims but all minorities. Further, we are not prepared to merge ourselves into any organization, however great it may be and however advanced its programme and policy may be unless it is determined by common consent."

"On November 3, 1936," continues Mr. Jinnah, "I stated in my interview: "It is obvious that we do not agree or endorse the programme and policy of the Indian National Congress. But in the various Legislatures, the Congress party or any other party, which stands for the progress and welfare of our motherland will naturally receive our co-operation as we expect to receive their co-operation for the same object."

"This statement of mine incurred the displeasure of Pandit Jawahar Lal Nehru and he instead of appreciating it, gave a reply that he did not care what "may be or might be," but what he wanted was real fighters. I did not wish to take any notice of this flippant criticism because it is no use indulging in controversies amongst ourselves. The thing is that we should try and understand each other.

"I might have replied to him, and I do so, now in self-defence. Where was this great fighter when he agreed to the Second Round Table Conference after having boycotted the first? Did he not know that the Round Table Conference was called on the basis of the announcement made by His Majesty's Government on October 31, 1929?

British Policy

"It runs as follows:

"The goal of British policy was stated in the declaration of August, 1917, to be that of providing for the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire".

"But in view of the doubts, which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the statue of 1919. I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status.

"In the full realisation of this policy it is evidently important that the Indian States should be afforded an opportunity of finding their place and even if we cannot at present exactly foresee on what lines this development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action taken now is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of All India, have in view".

"But this is not all. When the Gandhi-Irwin Pact was arrived at what did this great fighter do again? Where was he? The Congress accepted this position and I am quoting from the Gandhi-Irwin Agreement, Clause 2, which runs as follows:

"As regards constitutional questions, the scope of future discussions is stated with the assent of His Majesty's Government, to be with the object of considering further the scheme for constitutional government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation is an essential part; so also are Indian responsibility and reservations or safeguards in the interest of India for such matters as, for instance, defence, external affairs, the position of minorities, the financial credit of India and discharge of obligations".

"Does it be in his mouth to parade so much that he stands for complete independence of India, which when it suits him becomes the substance of independence".

Incoherent

Now, coming to his recent pronouncement, I am glad that he admits that he has not given full consideration to my speech as he has been rushing about from place to place. That may account for his incoherent statement.

"In the first place, what he said, which was reported in all the papers, is as follows:-

"There are only two parties in the country—the Government and the Congress. The rest must line up." I was addressing a meeting where I was appealing to Mussalman voters to support the League candidates and I said: I regret to say I find much interference of the Hindus and the Congress in setting up candidates against the Muslim League candidates. Our policy and programme is not a selfish one. We are ready and willing to co-operate with any group of a progressive and independent nature, provided its policy and programme approximately correspond with that of our own".

Then I naturally could not allow the claim of Pandit Jawahar Lal that the Congress represents the whole of India and that there is no other party of any consequence. It is not only devoid of any foundation, but calculated to do enormous harm. I was speaking only on behalf of the Mussalmans. But surely Pandit Jawahar Lal knows that there are other parties also in the field.

May I remind him that he wrote at least three essays recently with regard to the policy and the attitude of the Congress towards the Communal Award in order to placate the other parties and the Congressmen and that he temporarily secured some agreement which is again in the melting pot? And yet in his airy fashion he considers that the communal question is not vital.

"Pandit Jawahar Lal Nehru is torn between Benares[*] and Moscow and the rest of his statement where he deals with social and economic matters and his claim that he has got a large body of Mussalman followers cannot be accepted by any intelligent man.

"If he has got the solid backing of the Mussalmans, why is he not contesting every seat from the Mussalman electorate instead of confining himself only to one or two seats in Bombay and Bengal and one or two in the Punjab? All told, I do not think there are more than a dozen candidates that are set up by the Congress in the Mussalman electorates. And why create this controversy and attack the Muslim League whose policy and programme is a full-blooded national one? Only we do not agree with certain methods and means to which the Congress stands pledged.

"The communal question or the Hindu Muslim question, he ought to know by now is purely a question of minorities and a political problem which must be adjusted. Mussalmans happen to be the largest, but besides the Mussalmans there are other minorities in the country and it is the duty of every Indian to create a sense of security and confidence so far as they are concerned by meeting them equitably.

"If I remember right, not very long ago Pandit Jawahar Lal Nehru, speaking to the Frontier Pathans, promised to give a blank cheque to the Mussalmans which he was willing to write with an Indian pen on *swadeshi* paper. Was it an important issue at that time and not a trifling matter as he is now preaching? What has happened to that blank cheque? The Congress has not the monopoly, nor is it the sole custodian of Indian nationalism.

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[*] Benares (also called Varanasi) the holy city of the Hindus.

Independent Party

"When he refers to the Independent party in the Assembly with contempt he utterly ignores all the services that they have rendered. But for this party the Congress party would not have carried a single measure and, if he looks at the division list for the last two years, as admitted by Mr. Bhulabhai Desai, the majority of the Mussalmans have voted for National interest in spite of the fact that they are returned on their individual efforts and from separate electorates.

"He says that the Muslim League represents a group of Muslims, no doubt highly estimable persons, but functioning in the higher regions of the upper middle classes. But what is the Congress high command composed of ? They are also estimable persons of the upper middle-class. Where are the peasants and workers and besides what is the total number of members of the Congress? Even a large bulk of patriotic and nationalistic Hindus are not members of the Congress, because they do not believe in the Congress methods.

"I was thankful to him for his kind offer when he says: The Congress welcomes all co-operation. It will co-operate with pleasure with the Muslim League as with other organizations (and I am glad that he recognises that there are other organizations also), but the basis of this co-operation must be anti-Imperialism and the good of the masses. In its opinion no pacts and compromises between handfuls of upper class people and ignoring the interests of the masses have any real or permanent value. It is with the masses that it deals. It knows that the masses, Hindu or Muslim, care little for communal questions. They demand urgently and insistently economic relief and in order to obtain this political freedom on this broad basis there can be the fullest co-operation between all the elements in the country who seek the good of the people as a whole and their freedom from Imperialism.

"Does he think that the policy and programme which he is preaching will meet the demand which he describes as urgent and insistent for economic relief and would obtain this political freedom? Let him draw up a concrete and practical scheme, which will meet the urgent and insistent demand of the masses and which will give them real economic relief immediately, and I assure him that the Muslim League will offer its fullest co-operation, because he is not the only Indian who feels for those, who are suffering from poverty and hardships.

"He makes a great mistake when he assesses to be the sole custodian of the interests of the masses. I would ask him also to define how he wants us to fight Imperialism. At one time he says we must wipe off all the Princes and the Indian States, destroy all capitalists, confiscate their lands and property etc. and set up immediately a Socialistic form of government. At another time he says we must present a united front for the achievement of freedom first and we will decide everything else through a constituent assembly at some unknown date, when we have got possession of power or when we are on the verge of the possession of power.

I wonder whether the masses who demand and require urgent and insistent economic relief, can understand what he means.

League's Aim

The Muslim League is willing and ready and in fact it is part of our programme and policy to co-operate with any other responsible party, provided a common policy and programme can be agreed upon and which will create a really united front. The League does not believe in assuming a non-communal label, with a few adventurers or credulous persons belonging to other communities thrown in and who have no backing of their people and thus pass off as the only party entitled to speak and act oı behalf of the whole of India.

I flatter myself that I am put in the same category as Bhai Parma Nand by Pandit Jawahar Lal Nehru, but may I draw his attention to the fact that there is a vital difference between him and me, for he stands for Hindu Raj where as I stand for a full democratic responsible government for the people of India?

I wonder whether he realises where his preachings will land him and the innocent people who may follow him. I would request him to come to earth and study more the existing conditions and facts facing us and apply his energy and his ability as a practical man to the solution of problems that are facing us and cry a halt and give up his fantastic programme. Is he going to rise or remain as Peter Pan, who never grew up." (A.P.)

The Civil & Military Gazette, January 22, 1937.

120

Speech in support of the League Candidates, Ahmedabad, February 1, 1937

A meeting of Muslims was addressed by Mr. M. A. Jinnah in support of the Muslim League candidates for the Bombay Legislative Assembly.

Mr. Jinnah said that the Government that was to be set up under the new Government of India Act would be quite different from the existing one. A Voice: "Muslim League candidates are pro-Government". Mr. Jinnah retorted: "But that Government is gone". (A.P.I.)

The Civil & Military Gazette, February 2, 1937.

121

Statement in reply to Mr. S.A. Brelvi[*] (Congress candidate), contesting the Bombay South Urban Muslim Constituency, Bombay, February 9, 1937.

"I am issuing this statement, as an appeal has been made to me by the *Bombay Chronicle*, although I feel that we have already been prejudged and condemned, and owing to the unfortunate candidature of Mr. Brelvi, I feel I am before a tribunal where the judge and the prosecutor are the same. Big headlines are given and the poster in question has been associated with the All India Muslim League. No enquiry was made from the League office as to the origin before we were associated with it and after making careful enquiries now I find that the All India Muslim League machinery has nothing to do with it.

Interview and After

"It is well-known that Mr. Brelvi has carried on one-sided propaganda in the Bombay Chronicle and maligned the All India Muslim League and everyone connected with it ever since his interview with me, before the Muslim League candidates were adopted in October last. He made to me most improper proposals that I should keep one seat vacant in the South and allow him to stand on the Congress ticket. Failing that, I should adopt nominally a League candidate, but in fact, should not oppose him. It is obvious that I could not do that. It is incorrect, when he says that he informed me that he was standing as a candidate, and that I said I would fight him by every means. What I did tell him was, that if he stood against a League candidate, I had no alternative but to support the League candidate and fight him. Thereafter, it is unfortunate that Mr.

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[*] Syed Abdullah Brelvi

Brelvi appealed to the religious sentiments of the voters and issued on his card an isolated sentence of Maulana Muhammad Ali: 'I wish to declare that if India wins *Swaraj*, it will satisfy the religious requirements of a Muslim in India'. This was in December and January.

"Not content with that, he started in January, answering imaginary questions. A question was: What is the Congress policy with regard to Islamic questions and Muslim interests? The next question was: If any question about Islamic religion and Islamic interests comes up, what would be your attitude towards it? His answer was: I assure you that as far as purely Islamic questions are concerned, I shall act according to the principles of Islam.

All About Poster

"Not content with that he, in his speech on the 27th January, 1937, says: 'It was the Congress and the Muslims in the Congress who took the lead in organising the non-cooperation to redress the Khilafat wrong. Where, then were Mr. Jinnah, Sir Ali Muhammad Khan Dehlavi, Muhammad Ali Allabux and the Knights and Khan Bahadurs who are now the leading lights of the Bombay Presidency Muslim League? When a similar issue arises in regard to the honour of Islam will these gentlemen be prepared to make the sacrifice that Congress Muslims are always prepared to make in accordance with the dictates of Islam? In fact, nothing would be more appreciated, 'observed Mr. Brelvi amidst laughter, 'If Mr. Jinnah or Mr. Allahbux or Mr. Hosen Beg Muhammad courted imprisonment in the cause of Islam.'

"As a Congress man whose attitude is one of non-intervention in the matter of religion, Mr. Brelvi has excited the religious passions of Muslims. Having taken the initiative, if from some source the poster is published, surely the League is not going to be condemned for it. The Muslim League wants to stand on principles and policies and wants to fight for the programme which is political.

"What did Mr. Brelvi say about the League in his speech on January 27, 1937? He says: I consider it my duty as a Muslim to work for the independence of my country, and it is because I am placing this clear issue before my Muslim brethren whether as Muslims they want independence or political slavery. I am receiving from them an increasingly encouraging response that has frightened the political reactionaries who have taken possession of Muslim League organisation in Bombay, in spite of Mr. Jinnah.' Surely this insinuation that the Muslim League and everyone connected with it stand for political slavery is not a clean way of fighting. Mr. Brelvi says: The Muslim League does not want complete independence for this country. The League does not want to reject the constitution, but to work it for what it is worth.' Will Mr. Brelvi not take the oath of allegiance when he is elected? Is that better than creed of All India Muslim League which stands for full democratic responsible government for India? Even Gandhiji has made his position clear recently that he is willing to accept Dominion Status? Does he also stand for political slavery of India?

Vital Differences

"The vital difference between the Congress policy and programme and the League's is not confined to the mere slogans of independence and wrecking. The fundamental differences between the Congress ticket and the League are with regard to the methods and principles. Does Mr. Brelvi stand for the vital principles of the League that the rights and interests of minorities, should be safeguarded on an equitable basis, and that until we come to our own settlement which I desire more than anybody else, the Communal Award should stand? Will Mr. Brelvi stand by the political, economic and social interests of the Mussalmans, or follow the orders and the mandate of the

Congress as he is bound to. The Congress stands for direct action. The Mussalmans are not prepared to such a course at present as it is bound to be suicidal under the present conditions.

"I must say that I am surprised that anyone who understands the elementary principles which should guide a party should think that the Muslim League should be expected to support a man who stands on a different party ticket against a candidate adopted by the Muslim League. I cannot believe the United Provinces Muslim League Board, having put up an official candidate of the League and yet are supporting the Congress candidate contesting against the League candidate. But where there is no League candidate, certainly it is open to a party to support a candidate standing on the ticket of another party.

Plea for Clean Fight

"In the conclusion I desire that whatever may be our differences, the contest should be on honest and clean lines and on principles, policies and programme and I appeal to everyone to cease personal vilification and misrepresentation.

The Deccan Times, February 9, 1937.

122

Interview to the press on the Election results, Bombay, February 28, 1937.

The programme and policy of the Muslim League candidates who have been returned to the provincial councils was outlined by Mr. M. A. Jinnah, President of the All India Muslim League, in an interview. Mr. Jinnah said that the two main features in their programme would be that the League

Party would utilise the legislatures with a view to extracting the maximum benefit to the country and that they would attempt to get the present provincial constitution and the proposed central Constitution replaced immediately by full democratic self-government. The President of the League also reviewed the position of the Party in the various provincial legislatures.

"This is the first time that the All India Muslim League from the centre, without effective provincial or district organisations, has made an attempt at mass contact, and has entered the field of elections to the provincial legislatures under the new constitution, and the task was, as I have often repeated, "stupendous," said Mr. Jinnah. He added: "This was so, firstly because the Muslims are in every way backward and are not organised, and, secondly, because we have not a net work of existing organisation in the shape of provincial and district bodies. But a beginning had to be made and I am more than satisfied at the result of the first attempt."

Features of Policy

"Our policy and programme are well known," continued the League President. "It is summed up in two mains features:

(1) that the present provincial constitution and the proposed central constitution should be replaced immediately by full democratic self-government, and

(2) that in the meantime, the representatives of the Muslim League in the various legislatures will utilise the legislatures in order to extract the maximum benefit out of the constitution for the uplift of the people in various spheres of national life. We shall co-operate with any progressive group in the legislatures for the welfare and in the interests of the provinces and the country generally."

Referring to the strength of the League Party in the various legislatures, Mr. Jinnah said: "The result of our efforts has been that in Bengal, the Muslim League Party has secured 50 per cent of the seats and is the largest Muslim group. In the United Provinces, it put up only 35 candidates for the lower house and secured 29 seats out of a total of 66. In Madras, the Muslim League board put up 11 candidates for the assembly and three for the Council, and has succeeded except for one seat in the Assembly. Bombay has achieved the highest success. It has secured two-thirds out of a total number of 30 seats, and I have already received telegrams from the independent candidates expressing their desire to join the League Group.

Failure in Punjab

"In the Punjab, I admit, most regretfully we have failed. In Bihar, no Muslim League Parliamentary Board was set up. In the central Provinces, both the parties of Mr. Rauff Shah and Mr. Shariff applied to be affiliated to the Muslim League. But, under the rules, Mr. Rauff Shah and Mr. Shariff being members of the Central Parliamentary Board, had the authority to constitute a board, and as they could not agree with me in spite of my strenuous efforts, and as the applications to be affiliated were not given in time, it was considered best that they should take the verdict of electorate, and whichever party commands a majority, that party board may be recognised by the Muslim League Central Parliamentary Board.

Situation in Assam

"With regard to Assam, the Muslim League has carried away nine seats out of 34. In the North-West Frontier Province, Orissa and Sind, no Muslim League Board was formed."

"Muslims have every reason to be congratulated on this achievement after a work of only a few months." Mr. Jinnah went on to say. "It is up to them now to organise throughout India and to take their proper place and share in the administration and governance of the provinces and the country. The constitution and policy of the League do not prevent us. On the contrary, it is part and parcel of our basic principle that we are free and ready to co-operate with any group or party from the very inception, or inside the legislature, if the basic principles are determined by common consent."

The Times of India, March 1, 1937

Another Version

123

Statement to the Press regarding cooperation with any group or party, Bombay, February 28, 1937.

"We are free and ready to cooperate with any group or party if the basic principles are determined by common consent," says Mr. M. A. Jinnah, President of the All-India Muslim League in a Press interview, reviewing the position of his party in various legislatures.

He adds that the League members in the legislatures would utilise the legislatures with a view to extracting the maximum benefit from them for the country. League members would attempt to get the present provincial constitution and the proposed central constitution replaced immediately by a full democratic self-government.

Reviewing the elections Mr. Jinnah said that this was for the first time that the All-India Muslim League, without effective provincial or district organisations, made an attempt at mass contact from the centres and the League's task had been stupendous. This was so firstly because Muslims were in every way backward and were not organised and secondly, League had not got the network of provincial and district organisations. A beginning had, however, been made and Mr. Jinnah was satisfied with the results. In general the League has captured 50 per cent of Muslim seats. In the U.P. 29 out of 35 League candidates have been successful. In Madras, 10 out of 11 League nominees have succeeded. In Bombay two thirds of Muslim seats in the Assembly have gone to the League.

Mr. Jinnah regretfully admitted that the League had failed in the Punjab. The League had not set up League Parliamentary Board in Bihar, N.W.F.P., Orissa and Sind.

The Star of India, March 2, 1937.

124

Speech in the Central Legislative Assembly on the Motion for adjournment regarding the arrest of a member of the Legislative Assembly, New Delhi, March 8, 1937

Mr. President (The Honourable Sir Abdur Rahim): ....There is a notice by Sardar Sant Singh who intends "to ask today after the question hour the leave of the House to make a motion for adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the hasty action in arresting a Member of this House as shown by the subsequent withdrawal of the proceedings against him, thereby casting a reflection on the dignity of the House".

When was the Honourable Member arrested?

Sardar Sant Singh (West Punjab: Sikh): I think he was arrested some time on the 3rd of February.

Mr. President (The Honourable Sir Abdur Rahim): When was the case withdrawn?

Sardar Sant singh: Day before yesterday at about 4 P.M., and the matter was published in the papers yesterday.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection?

The Honourable Sir Henry Craik (Home Member): Yes, Sir, I take several objections. In the first place, I take the objection that no motion of adjournment can be moved on a matter about which a Resolution cannot be moved. Now, Sir, a Resolution cannot be moved about a matter which is still under adjudication by a Court of law having jurisdiction.

Mr. President (The Honourble Sir Abdur Rahim): What matter is under adjudication now?

The Honourable Sir Henry Craik: There is a charge still pending against several persons, and although no further proceedings are contemplated against the gentleman named in the motion, further proceedings are contemplated against other persons. I am informed: and I submit that it will be impossible to discuss this motion or to justify the action which is the subject of the motion without going into the evidence and the material on which the charges against other persons still under investigation are based. That is my first objection. I have other grounds too....................

Mr. President (The Honourable Sir Abdur Rahim): The motion seems to suggest that some action was taken by the Government, that some application was made by the Government for taking action?

The Honourable Sir Henry Craik: That is not so, Sir.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Under what section of the Criminal Procedure Code was the arrest made?

The Honourable Sir Henry Craik: I think it is section 161 of the Penal Code read with the abetment section, which is not a cognizable offence.

Mr. President (The Honourable Sir Abdur Rahim): Under what section?

The Honourable Sir Henry Craik: Speaking from recollection. I think it was section 161.

Mr. M. A. Jinnah: I want to know the section, because I want to know if the arrest was made by a judicial authority or by the executive authority.

The Honourable Sir Henry Craik: By a judicial authority: the arrest was made on a warrant issued by the District Magistrate.

Mr. M. A. Jinnah: Who made the complaint?

The Honourable Sir Henry Craik: The police supplied the materials to the District Magistrate.

The Legislative Assembly Debates, 1937,
Vol. II, pp. 1571-73

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Speech in the Central Legislative Assembly on the General Budget (List of Demands), New Delhi, March 8, 1937.

Sir Girja Shankar Bajpai: In 1924-25, my Honourable friend, Mr. Joshi, was a member of this House, and so was the Honourable the leader of the Independent Party, Mr. Jinnah, whom we are very glad to see in our midst to-day..........

Mr. M. A. Jinnah" May I interrupt the Honourable

Member? He was good enough to refer to me - I do not know what the implication was - that I was present when certain things happened. I hope the implication is not that I have assented to any existing disabilities.

Sir Girja Shankar Bajpai: My Honourable friend may rest assured that there was no intention of suggesting that he has been acquiescent in or agreed to any restriction or disability at all.......

Legislative Assembly Debates, 1937,
Vol. II - p. 1600

126

Speech at the meeting of the Anglo Arabic College Union, Delhi, March 12, 1937

Addressing the Anglo Arabic College Union Mr. M. A. Jinnah rediculed the idea of the Congress 'wrecking' the new Constitution by accepting office. Acceptance of offices meant, declared Mr. Jinnah, working the new Constitution which the Congress had not the courage to admit. On his part, he frankly admitted that the new Constitution was not acceptable to the Muslims and that the Muslims were determined to replace it by a full democratic Constitution. In this demand they should not budge an inch.

Proceeding, Mr. Jinnah said that there was no difference between the Congress and the Muslims except that the latter stood for the establishment of the rights of the minority community. He declared that his heart was pulsating for the freedom of the country. Genuine unity, he concluded, between Muslims and Hindus was only possible when both the communities had developed a better mind by an internal organisation. (A.P.I.)

The Star of India, March 15, 1937

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Statement to the Associated Press regarding independent elected members, Lucknow, March 15, 1937.

"I was invited by various members who were elected as independents and on the ticket of the N.A.P. After hearing their views and discussing with them matters relating to achievement of unity and solidarity which were pressed upon me by them I placed their views before the Muslim League Parliamentary Party and they are willing to reciprocate their desire for complete unity and have passed resolution. This is one more proof on the part of the All India Muslim League that we stand on our policy, programme and principles and if those who are sincerely willing to stand by them, sign our pledge and follow our policy, the door is open and they are welcome." (A.P.I.)

The Civil & Military Gazette, March 16, 1937.

128

Interview to the Associated Press regarding Congress resolution on acceptance of Office, New Delhi, March 20, 1937.

Mr. M. A. Jinnah, President of the All India Muslim League, in an interview, with an Associated Press representative on the Congress resolution on acceptace of office said:

> "I congratulate the right wing Congress leaders for having carried the Congress with them. They have adopted a formula, which is practically the same as was adopted by the All India Muslim League on April 12, 1936, namely, in the present conditions we should utilise the constitution for what it is worth. The condition that ministerships shall not be accepted unless the leader of the Congress Party in the legislature is satisfied and able to state publicly that the Governor will not use his powers of interference or set aside the advice of the Ministers in regard to their constitutional activities is a surplusage.

Governor's Duties

"The Instrument of Instructions (clause 8), enjoins the Governor as follows:

> 'In all matters within the scope of the executive authority of the province, save in relation to the functions, which he is required by or under the act to exercise in his discretion, our Governor shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers unless in his opinion, so to be guided would be inconsistent with the fulfillment of any of the special responsibilities which by the Act are comitted to him or with the proper discharge of any of the functions which he otherwise under the Act is required to exercise in his individual judgment, in any of which cases our Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by or under the Act conferred upon him in such a manner as to his individual judgment seems requisite for the due discharge of the responsibilities and functions aforesaid. But he shall be studious so to exercise his powers as not to enable his Ministers to rely upon his special

> responsibilities in order to relieve themselves of responsibilities which are properly their own.'

Sole Judge

"What will be the value of such a futile assurance, which is implied and has been repeatedly proclaimed by the various Governors and the Governor-General? The test is who will be the judge and who will decide as to whether a particular measure of Act proposed by the Congress in the Legislature or in the administrative sphere is or is not constitutional activities. So long as the Governor is the sole and ultimate judge, the position remains exactly the same as laid down in the Act and the Instrument of Instructions. It may, however, appeal to the imagination of some people, that the Congress has laid down something novel. But it is obvious that no wise Governor will wantonly attempt to restrict the operation of responsible Government conceded within a limited sphere. Anyhow, the bogey of wrecking the constitution has disappeared and we are now within the domain of constitutional activities and this we are obliged to do because there is no united front.

"Now, struggling as we are for national self-government, perhaps it will be easier for the All India Muslim League parties to co-operate with other progressive parties as the Congress is also lined up. I now urge upon the Mussalmans of India to make every effort to organise the Mussalmans all over India and make the All India Muslim League and its policy and programme a success. I appeal to those Mussalmans particularly who feel strongly as anybody else in this country for national self-government and freedom of India to rally round the Muslim League banner.

Bahraich By-Election

"We have decided to contest the seat, which was won by the Muslim League at Bahraich, but the member who won the seat, I sorrowfully have to say, is no more with us. So we have to capture that seat again. The Congress, I believe, is going to contest that seat. It will be a great mistake on the part of the Congress to do so. There is really no substantial difference now at any rate between the League and the Congress as wrecking of the constitution has disappeared from the Congress programme.

"I have often said that I am trying to see that Mussalmans should wholeheartedly and sincerely adhere to the policy and programme of the All India Muslim League which is both national and patriotic and we shall always be glad to co-operate with the Congress in its constructive programme. It is no use encouraging an individual Mussalman to come into the fold of the Congress for the sake of a prize. In conclusion, I urge that let us now concentrate on those causes which stand in the way of a united front." (A.P.)

The Civil & Military Gazette, March 21, 1937.

129

Speech at the meeting of the Council of the All India Muslim League, New Delhi, March 21, 1937.

In the meeting there was a proposal that the League Parliamentary Board should now be dissolved as it was set up for the specific purpose of selecting and supporting candidates in provincial elections which had now been fulfilled and that powers of the Board should be vested in provincial branches of the League to be formed in every province.

Mr. Jinnah in his speech explained that the Council had no power to dissolve the Board as it was not created under its authority. Mr. Jinnah, reviewing the work done by the League during the recent elections, outlined its future policy and programme. He stressed that the primary issue before them should be mass organisation of the Muslims. He wanted them to concentrate on the basic principles of the League which, together with its programme, could be altered if they so desired. He denied the charge levelled against him by some people that he had acted as a 'dictator' during the elections. As regards the suggestion that the Parliamentary Board should be dissolved. Mr. Jinnah observed that some people wanted to do away with it as it was not suited for their purpose. Alluding to the proposal to establish mass contacts, he pointed out that it was exactly what he was trying to do but the task was of such a stupendous nature that it could not be achieved in a short time.

Muslims and Nationalism

Proceeding Mr. Jinnah said that there was no single decent Indian who did not yearn for national independence. Opinions on that issue differed not because of any lack of nationalism among the Muslims but due to other causes. It was not possible for Muslims and Hindus to merge their identities because of the fundamentally different social heritage and culture of the two communities, but it was at the same time most feasible for them to join hands and march together to the goal of freedom. His creed was national self-Government and if the Muslims decided to join the march to the goal of freedom he assured them his wholehearted support. He, however, did not want them to do this to please any particular person or organisation. Moreover, he did not want them to play a role of camp-followers but be in the vanguard.

Mr. Jinnah exhorted members of the Council to carry the message of organising Muslims from village to village. "Sink or swim; die or live; but live as a united nation," Mr. Jinnah concluded.

The meeting passed a resolution urging that immediate *steps should be taken to establish provincial and district branches of the League all over India. The resolution expected that every member of the Council would endeavour to establish district and provincial branches and help in their revival.* (A.P.I.)

The Star of India, March 22, 1937.

130

Statement on Congress Programme of 'Muslim Mass Contact Programme', Bombay, April 19, 1937

"It is absolutely untrue to suggest that the Muslim League does not stand to fight for the freedom of our country. If anyone cares to read honestly the policy and programme that have been laid down now by the League in black and white and have been broadcast repeatedly, he will find that it stands for full national self-government for the people of India, but at the same time it considers that there cannot be, and will not be, any real national Government established in this country until the rights and interests of minorities are protected and safeguarded by an honourable settlement. This alone will create a sense of security in them and will win their trust and confidence in the majority rule. The League has stood since the Lucknow Pact of 1916, and stands today, for this basic principle.

Congress Idealists

"I regret to find that a few of the Congress leaders have been actually talking as idealists who have adumbrated a new policy. This recent orientation of their policy towards Muslims and the Muslim League is bound to fail and lead to disaster. I find that efforts are being made in a somewhat deliberate fashion to divide Muslims for an ulterior object by appealing to their patriotism and national feelings, by falsely representing that the Congress alone has got the monopoly to champion and fight for the freedom of India and that no other party has a right to exist if they do not cent per cent agree with the Congress. When the question of the protection of the minorities is raised by anybody who dares to raise it, he is dubbed as a Communalist, for there is, in their opinion, no such thing as a Hindu-Muslim question in reality. This is so far from the truth, that we can only come to the conclusion that the object of these people is to split Muslims and break the Muslim League. This policy, I venture to say, will set back the national advance of the country. The unity and an honourable settlement between the Hindus and Muslims and other minorities is the only pivot upon which national self-government for India's 350 millions can be constructed and maintained.

Minorities' Interests

"May I here quote Mr. Gandhi. He says: 'It therefore pains me to find Lord Zetland playing the old familiar tune of divide and rule. The Congress cannot exist for two days if it disregards the interests of the minorities. It cannot bring about mass rule by dividing India into factions. The Congress Ministries, if they ever come into existence, will dig their own graves without the Governor's safeguards the moment they trample upon the rights of the minorities or resort to injustice otherwise.'

"Of course, this statement assumes that people cease to exist the moment they do an injustice or a wrong thing, but in this practical world, and he must be aware in many parts of the world, majorities have flourished by trampling upon the rights of minorities resulting in grave injustice to them and yet they (the majorities) are not buried although they may be taking their course towards digging their grave for a long long time. Why put this temptation then in the way of the majority and keep the minority in constant and terrible fear?

League's Position

"May I quote Mr. Gandhi again from his recent statement. He says, if the assurance asked for by the Congress is not given by the Governors: 'I prefer an honourable deadlock to dishonourable daily scenes between Congressmen and the Governors'. That is precisely the position of the Muslim League — that they prefer an honourable settlement to the dishonourable daily scenes that are taking place and will take place between the Hindus and Muslims.

"This sort of game of dividing the two great sister communities by such methods has been the historical misfortune of India with the result that we are now saddled with a foreign domination and further efforts by the Congress in that same direction to divide and rule Muslims will only lead to an indefinite stay of that domination. Anyhow I am glad that the President of the Congress has now admitted that they have so far neglected the Muslims, and that was the reason why the Congress failed to get support in the recent elections from Muslims. It is to the good that the Muslim League has at least convinced him that it is essential to have some regard for their opinion and sentiments. But I regret that he should have found a solution which will produce more bitterness and will frustrate the object that every nationalist has at heart.

Propaganda among Muslims

"In his circular letter which he issued recently to the various Provincial Congress Committees, he urges upon them to work amongst the Muslim masses. He suggests the formation of Provincial Muslim mass contact committees, under the provincial committees, to enrol Muslim members and generally to rouse the interest of Muslims in the affairs of the Congress. For this purpose he wants them to publish their notices, meetings, etc., in Urdu as well. The All India Muslim League and every Muslim who can read and write, except those who obey the Congress implicitly, are to be ignored.

"We are told by another Congress leader, who is no less an authority than the President himself, viz., Mr. Sarat Chandra Bose. 'That the problem before us is that of *dal-bhat*, and fundamentally there is no difference between Hindus and Muslims. What is needed at present is a bit of propaganda on economic lines amongst the Muslim masses.' I suppose he has forgotten the insistence of the Hindus recently in Bengal for a fifty-fifty share in the Ministry. Does he know that besides the poor masses there are others whose problem of *dal-bhat* also requires to be settled on economic lines, and will he, instead of carrying on a bit of propaganda amongst the poor Muslim masses, formulate a programme which will give immediate and real relief to the masses? I assure him that if he does that the Muslims will readily join with him for the achievement of any such programme without any further 'bit of propaganda.'

Muslim Intelligentsia

"So now I find that the Congress leaders have no use for the Muslim intelligentsia as they are to a man incapable of serving their country or the interests of their community; they are so dense that they do not understand the Hindu intelligentsia, and hence 'these few estimable gentlemen of the upper middle class' have issued a *ukase*. While declaring non-co-operation against the Muslim League parties in the legislatures immediately after the success in six provinces, they have declined to have anything to do with the League party in any of the Legislatures unless they surrender their principles and their convictions, forswear their party, policy and programme and sign the Congress pledge unreservedly and unconditionally. This they find is not possible. So now they think they will persuade the Muslim masses to disown every Muslim leader or representative of theirs and these few men, supper-nationalists of the Congress, expect the Muslim masses to follow their lead. Their interests, they say, will be more and better looked after by them because the problem of protection of minorities in a representative Government will be better understood by the masses because you can always talk to them in terms of *dal-bhat* and throw in a bait of Urdu notices; otherwise Hindi is to be the national language of Muslims.

Hartal Incidents

"What surprises me most is Babu Rajendra Prasad's satisfaction. He says that the Muslims of Bihar joined the hartal demonstration on April 1, in spite of my opinion to the contrary, but I think Babu Rajendra Prasad knows that my expression of opinion was not followed up by any organised effort. Does he want me to make such an effort in future? Besides, with his experience as a practical man, does he not realise that Muslims love any demonstration or *tamasha* and always enjoy excitement? But is this all that he can say of the co-operation and support of Muslims? I am afraid he has grievously misunderstood the Muslims.

"We have revived the Bombay Presidency Muslim League and we are going to carry on our work of organisation throughout the Presidency of Bombay and throughout the country at large. I appeal to Muslims all over India to organise the provincial and district Leagues and enlist as many members as they can. Nothing is going to deter us from pursuing a policy which we know is in the best interests not only of the Muslims but of the country at large. We are prepared to co-operate as equals but we will not submit to dictation or subjugation."

The Times of India, April 20, 1937

131

Rejoinder to Pandit Nehru's statement, Bombay, April 24, 1937

In reply to Pandit Jawaharlal Nehru's terms for Congress cooperation with the Muslim League, Mr. M. A. Jinnah, President of the League, in the course of a statement to the *Jai Bharat*, a local vernacular daily, says:

"I have seen Pandit Jawaharlal's telegram and it appears to me that he has taken the position of a dictator. It comes to this: "Accept what I have already decided and then I shall talk to you." This is not the way to arrive at a settlement." (U.P.)

The Civil & Military Gazette, April 27, 1937.

132

Statement regarding Congress move to win Muslim support, Bombay, April 25, 1937.

"I understand that there is a move to invite to a meeting of the members of the Congress to be held on May 2 and 3, some Muslim members who have been elected on the Muslim League ticket in the United Provinces Assembly and also that a conference is going to be convened at Allahabad.

I am entirely in the dark as to what the object of this move is. But I want to make it clear that it would be useless for any individual or individuals effectively to carry Muslims behind them if any settlement is arrived at with a particular group or even for the matter of fact, say a whole province. It is a pity that these round about efforts are made. The only object of it can be to create some differences between Mussalmans. It is no use dealing with those men who are in and out of the Congress and in and out of the League, at one time with one and another time with the other, as it suits them.

I am sure the Muslims of U.P. won't betray the Mussalmans of India and, therefore, any effort to settle by individuals which may be advantageous to them for the time being won't carry us any where.

I have been promised by Mr. Khaliquzaman, leader of the Muslim League party in U.P. Assembly that he would let me know what the situation is in the U.P. I have sent him reminders and I am waiting to hear from him for the last three weeks, and I can't understand the mystery of his silence.

I only trust he won't enter into any commitments which may be repudiated not only by Muslims of his province but by the Muslims of all India.

The method of dealing with individuals or groups can only result in isolating and dividing Muslims group by group or province and destroying the united front." (A.P.I.)

The Bombay Chronicle, April 26, 1937.

133

Statement in reply to Pandit Nehru's recent statement regarding Hindu-Muslim Question, Bombay, April 30, 1937.

"My attention has been drawn to two successive statements of Pandit Jawaharlal Nehru dated about April 25, and I wish I can honestly say some Congress leaders have been asserting that there is no Hindu-Muslim question and that the minorities' problem does not exist in India. I did not say that Pandit Jawaharlal was functioning as a 'Dictator', but I did say that he was talking as such, and it is quite clear from his statement that he is talking as if he were a sovereign authority. He says: 'Personally I find it difficult to think of any question on communal lines.'

"That may be so, but 99 per cent of the people who surround him not only think on communal lines but their words and their deeds speak eloquently. However, I am glad that the president, to put it in his own words, attaches the greatest importance to the building up of a united India and of removing differences and suspicions which unfortunately separate sometimes various religious groups."

"Very great Injustice"

"It is not only religious group but political groups which do not agree with the Congress with regard to its policy and programme. I think he is doing a very great injustice when he talks of the Muslims League as a religious group. The Muslim League is a political organisation and its policy and programme differs in vital respects from that of the Congress. For instance, the Congress policy as interpreted by him in his latest statement is, to use his own words: 'the objective of the Congress is political independence, that is, the capture of power by the people of India, that when that power is captured he will by means of a Constituent Assembly frame the constitution for India with a strong hand.' When he was asked when will this be achieved his reply was 'during my lifetime.' I wish him long life.

"In the meantime he is preparing for a revolution to destroy the imperialistic power not only in India but all over the world, and thus he will succeed in removing our crushing poverty and unemployment for which he is working. In his school of thought there is no programme pending the achievement of the great ideal except to destroy every other party who dares to differ from him in any way. He is welcome to put forward this ideal and utopia, but I regret to say that I cannot subscribe to it having regard to the conditions and realities of the situation in India. I see in this no immediate relief on economic lines to the poverty and unemployment which is facing us. I warn the Muslims, therefore, not to jump into this and take a leap in the dark, and I may say to the better-minded Hindus 'please think before it is too late.'

Muslim League Policy

"Next, the policy and the programme of the All India Muslim League are laid down and until they are changed by the All India Muslim League we are bound to pursue our programme that we must work the provincial constitution for what it is worth having regard to the present conditions of our country. This does not mean that we are not as stoutly opposed to the Government of India Act, 1935, as any other party. Whereas the Congress policy and programme is to 'wreck' the constitution whatever that may mean. I say this because it is being interpreted and construed in different ways by different spokesmen of the Congress.

"Third, we stand by the Communal Award until a substitute is agreed upon by the various communities concerned, whereas the Congress is out to destroy it, and refuses even to accept it provisionally till we may come to an honourable settlement of our own.

"Next our basic principle is that the rights and the interests of the minorities must be safeguarded in any constitution by whomsoever it may be framed. The Congress considers this as utter nonsense.

"Next in the present circumstances and the realities of India the Muslims League is not prepared to resort to direct action, because it will be suicidal in the present divided condition of India. Thus it will be seen that the vital differences are not confined only to minorities problems. I am rather amused when

Pandit Jawaharlal Nehru refers to the Congress resolution passed at Karachi and proceeds to say that this assurance has been repeated in the Congress election manifesto and is the basis of the Congress policy, and says: 'It applies to all majorities and minorities alike and it is unthinkable that the Congress will even vary it.'

"Here, then, it is obvious that Pandit Jawaharlal Nehru not only talks platitudes, but speaks as if he possessed sovereign authority over the minorities. Surely Pandit Jawaharlal Nehru has studied the histories of other countries where the minority question is not only limited to the assurances embodied in the Congress election manifesto which any decent Government is bound to give. The spirit of his attitude is again indicated in the next paragraph where he states: 'having given this solemn assurance, the Congress has nothing further to do with religious or cultural matters and it pursues its political struggle.' Does he not know that besides such religious and cultural matters there is an absolute necessity for political adjustment as to the rights and interests of the minorities.

Need For Organisation

"However, no useful purpose would be served in continuing this controversy. I appeal to the Muslims to organize themselves. We want no 'assurance' from one party or the other in this country, or for the matter of that, from the British Government. It is only by organising and presenting a united front that the Muslims will secure their rights which are due to them in the future Government of our country, and it is only by organising and gaining strength on our own merits that we shall be able to defend any encroachment by or dictation from others, and that is the reason why frantic efforts are made to prevent the Muslims from organising and we are asked to liquidate and wind up the Muslim League.

"I have been appealing to the Congress leaders not to pursue this new orientation of their policy and programme. It is sure to lead to greater bitterness. Of course, in theory nobody disputes that any party has a right to put up a candidate in any constituency they like but it is the spirit and intention of such a move which has got to be considered and judged. I have repeatedly said that if the Congress or any other party is willing to co-operate, our hand is there to the extent that we can agree for the betterment and the advancement of India's welfare. I appeal to the better mind of Hindus and say that proceeding on the lines of alliances and honourable settlement as equals is a surer course and path towards a united front which will alone win freedom for India." (A.P.I.)

The Star of India, May 3, 1937

134

Statement regarding revision of the Muslim League Constitution, Bombay, May 3, 1937.

"The report appearing in some newspapers regarding the recommendations of the sub-committee appointed to consider the constitution and rules of the All India Muslim League is entirely incorrect and misleading", declared Mr. M. A. Jinnah, the President of the League, in an interview in Bombay.

"In the first place", said Mr. Jinnah, "the present creed of the League is as follows: "The attainment of full responsible government for India by all peaceful and legitimate means with adequate and effective safeguards for Muslims and not, as is reported, Dominion Status by constitutional means.

"It is equally incorrect and misleading to say that the office of the president is a permanent one. The present rule of the

League on the point is as follows: "The president of the League shall be elected by the Council of the League each year, and shall hold office until the next annual session." Whereas under the present rule the president of the annual session is elected only for the session, the other president continues for the whole year."

Dealing with the press report, Mr. Jinnah said that it was a fact that a small committee under the chairmanship of Nawab Ismail Khan had been appointed to consider the whole constitution and the rules and make such recommendations as the committee might think proper to the Council of the All India Muslim League for its consideration. Until he received the committee's report he was not in a position to say what amendments and changes the committee had recommended.

The Times of India, May 4, 1937.

135

Speech at a meeting of the Committee of the Bombay Presidency Muslim League, Bombay, May 4, 1937.

At a meeting of the Committee of the Bombay Presidency Muslim League Mr. M. A. Jinnah said that the greatest need of the hour as far as the Muslims were concerned was to organise themselves or else they would be wiped out as a political force.

Mr. Jinnah continued: "We shall face the challenge of the Congress if they think that Mussalmans will accept their policy and programme because our policy and programme are different in vital respects. Our aim is to secure every Muslim seat in the Legislatures of the provinces".

The Committee adopted a resolution, condemning the Government's "forward policy" on the North West Frontier, urging the Government to resort to peaceful and friendly methods and expressing alarm at the present policy.

Another resolution appealed to all Muslim members of the United Provinces Legislative Assembly, who stood on the League ticket not to act in such a way as to cause disunion among the Muslims in India by arranging sectional provincial settlements with the Congress (A.P.)

The Civil & Military Gazette, May 6, 1937.

136

Speech at a joint meeting of the European and Indian Progressive Groups, Bombay, May 4, 1937.

"You can't possibly construct a full, complete democratic responsible government in any country unless you take the minorities with you and create a sense of security and confidence in the majority", said Mr. M. A. Jinnah, addressing a joint meeting of the European and Indian Progressive Groups on the "Minorities Problem".

Mr. Jinnah added: "It is no use discussing the fact that the heredity, language and social life and outlook vary from community to community, and in some respects fundamentally. Democratic, full responsible government means the rule of the majority and before a stable Government is possible the minorities problem should be adjusted. Had we been able to settle the minorities problem, the new constitution would have been written differently".

After referring to "the many futile efforts undertaken so far to solve the communal problem, Mr. Jinnah said: "I believe in the policy of the spider, try and try, for it is no use crying over split milk. The Communal Award is only a provisional arrangement till a substitute is found."

Mr. Jinnah deplored the attitude of the Congress towards the communal problem in treating it as a trifling matter and continued: "Congressmen say that the question before the country is economic, namely, poverty and hunger. It seems to me that this is putting the cart before the horse. This policy and plea of hunger and poverty may succeed temporarily for the reasons are obvious.

Unity Front

"No party is really satisfied with the present Government so much so that anything against the present Government goes and dissatisfaction, disapproval and condemnation against the Government have been carried on for many years. If only some basis he found for a united front, the communal problem will be solved, and there is no hope for India to achieve her goal without it.

"The Muslim League is justified in its demand, from the majority community, for what is the position of the 60 million of depressed classes in India to-day, who have been refused even their elementary rights?"

He was opposed to the Congress for he did not agree with the policy programme and methods pursued by the Congress. If he were the "Zaghlul Pasha of India", he would have called all the leaders of the minority communities, granted what they wanted and presented a united front for winning responsible government for India. (A.P.)

The Civil & Military Gazette, May 6, 1937.

137

Statement in reply to a statement of Pandit Jawahar Lal Nehru, Bombay, May 5, 1937.

Discussing the latest statement of Pandit Jawahar Lal Nehru, Mr. M. A. Jinnah, President of the All-India Muslim League in the course of a statement says that he is glad that the Congress President has now accepted that the Muslim League is a political organisation and often acts on a political plan, but, he adds Pandit J.L. Nehru hastended to say that because the League was confined to a religious group he objected to it.

Mr. Jinnah thinks that if, instead of the word religious, Pandit J.L. Nehru had said that it was a minority group he would have been more correct. The League's entire programme, says Mr. Jinnah, is political, economic and social. He has often explained, he states, that the Muslim League party is a corollary to the existence of separate electorates but this, he adds, does not prevent the Muslim League from coalescing with any other group or party, if a common policy and programme are, agreed upon. Nor, he continues does the constitution of the League prevent co-operation with any other group in the Legislature in regard to a programme of work agreed upon. So long as the minorities question remains unsettled and so long as there is no agreement on policy and programme with other parties it is essential that the solidarity of Muslims should be maintained; the attitude taken up by Pandit J.L. Nehru is calculated to create disruption among Muslims and break that solidarity.

Mr. Jinnah agrees that the Congress has a few non-Hindus in its fold, but maintains that one swallow does not make a summer. He is averse to having a party, which, in fact and in reality, is a Muslim party with a few men belonging to other communities thrown in, passing itself as a noncommunal party. Mr. Jinnah is glad that the President of the Congress has now admitted the need for the protection of the religious, cultural and lingustic rights of the minorities, but adds that a unilateral Congress declaration is not worth any consideration.

Mr. Jinnah is also glad that Pt. J.L. Nehru has realised the existence of other questions pertaining to minorities but wishes to know from Pandit J.L. Nehru whether he has paid any attention to these and what they are. He also wishes to know from Pt. J.L. Nehru what efforts he and the Congress are making to get the Communal Award altered with the co-operation and goodwill of the communities concerned. (A.P.)

The Civil & Military Gazette, May 6, 1937.

138

Speech at a gathering, Lucknow, May 9, 1937

"While we shall not knock at Government House, we shall not bow our head before Anand Bhawan,*" observed Mr. Jinnah, explaining the Muslim League's policy before a gathering under the presidency of Sir Wazir Hasan.

"Mr. Jinnah observed that the Muslim League desired to co-operate with the Congress in ameliorative legislations within the legislature for the starved and naked masses, but unfortunately after the Elections the Congress had decided on non co-operation. While fully agreeing with the Congress progressive policy, he enumerated the League's differences with the Congress, namely, "while the League wants to make the best out of the present constitution, the Congress wants to wreck it; and again while the Congress deny the existence of any minority problem in India, we strongly feel its presence here. Hence, when the time has come in Indian history when we feel, as never before that we are nearer to full national democratic Government, we want to be assured of our position in the future Government because we are afraid of the majority's attitude:

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* Anand Bhawan, Allahabad was the residence of Pandit Nehru.

"In placing our demand before the Congress, we are dubbed as communalists, which puzzles our young Muslims. We want a united front, but Muslims should keep aloof unless their position is safeguarded, and the Congress cannot succeed in its objective unless it is united with the Muslims." (A.P.)

The Civil & Military Gazette, May 12, 1937.

139

Statement regarding position of the Muslim League in United Provinces, Lucknow, May 10, 1937

"The Muslim League has emerged in the United Provinces, notwithstanding the attempts on the part of some Congress leaders to undermine the League, stronger and more united than ever it was," said Mr. M. A. Jinnah in an interview to the Associated Press.

Mr. Jinnah continued: "I have had opportunities during the last three days of consulting various leaders of Mussalman opinion and I am glad to say that the Mussalmans of the United Provinces are absolutely sound in heart and head, and I have not the slightest doubt that they will rally round the All India Muslim League flag. I have always looked upon Mussalmans of U.P. as the heart of Muslim India. The attempts that were made by some individuals, which I can only characterise as mean intrigues, have been foiled rightly.

"No amount of vilification or misrepresentation in the columns of a certain section of newspapers is going to deter us from pursuing the policy and programme which we have launched. I know that Mussalmans are not organised and are weak and know that we have no press of our own and, therefore, we are greatly handicapped; but we are earnest and it is our grim determination to organise Mussalmans all over India and we do not wish to submit to slavery or dictation either of the British Government or any majority party or Community. We stand for the freedom of India, and I can say without hesitation that during the period that I had the honour of being the President of the League, the record of the League speaks that we had never allowed the national interest of India to be prejudiced. We have maintained that it is not the monopoly of any party or community. It is the duty of every Indian to fight for the attainment of national self-government for India.

"We have appointed a very powerful and influential committee in the United Provinces and the personnel, and aims and objects of that committee are already published in newspapers. I, therefore, appeal to Mussalmans of this province and all over India that if they want to live and play their part and secure and maintain their honourable position in the Government of the country, they must organise themselves and stand on their merits, and play the fullest part in the rapid developments that are taking place and will be taking place in the near future; and I may point out to our opponents that they will not advance the welfare of India and attainment of our goal merely by misrepresenting and vilifying Mussalmans but on the contrary they will be putting the hands of the clock back. The way to achieve our goal is to create an atmosphere of friendship between Hindus and Muslims and to find a solution as speedily as possible which will create a complete sense of security and confidence in the largest minority in the country and thus bring about a united front which will bend the British Government to submit to our demands.

"The Muslim League has emerged in the United Provinces, notwithstanding the attempts on the part of some Congress leaders to undermine the League, stronger and more united than it ever was, and I am glad that the position of Jamiat-ul-Ulema-i-Hind and the Ahrars has been also made clear by recent pronouncements of their meetings at Lucknow and Moradabad." Concluding, Mr. Jinnah says, "Mussalmans must rally round one platform and one flag throughout India, and that is the All India Muslim League. Ours is a full-blooded nationalistic policy and no amount of intrigues and misrepresentations will make it otherwise." (A.P.I.)

The Tribune, May 12, 1937.

140

Speech at the annual general meeting of the Bombay Presidency Muslim League, Bombay, May 16, 1937.

"It is a scandalous statement to make that if you are with the Muslim League you are pro-Government and if you are with the Congress you are pro-freedom. We also stand for freedom of the country and willing to fight for freedom. It is not the monopoly of any political body to fight for freedom. We want to gather all Muslims and claim that Muslims back the Muslim League. You have heard it said that the Muslims either should look to the British Government or another organisation that has acquired a certain amount of power. I want Muslims to have self-respect and self-confidence and be self-reliant to build our own house."

Mr. Jinnah continued, "We are glad we are communalists. Instead of waiting at other's doors, if you want to create self-respect and self-reliance organise yourselves. If that is communalism, I am proud of it." (A.P.)

The Civil & Military Gazette, May 18, 1937.

141

Speech at a Public Meeting, Bombay, May 21, 1937.

"We are prepared to fight for the country's freedom as equals with other parties but never as camp followers nor shall we submit to anybody's dictation," declared Mr. M. A. Jinnah, addressing a mammoth Muslim meeting held under the auspices of the Bombay Presidency Muslim League.

Continuing Mr Jinnah said that their work had not finished with the elections. A more important work — that of organising Muslims not only in Bombay but all over the country — had now been launched by the Muslims League. He appealed to every Muslim to join the League and he assured them that within a short time the League would become a strong party capable of fighting any other party in the country.

Will not be Slaves

The League's policy, Mr. Jinnah explained, was that they were prepared to fight for the freedom of the country but not to become the slaves of others. They would fight as equal partners with the Hindus but would not follow anybody's dictation. Bombay Muslims had been dubbed *Mawalis*, but within a very short time the League had removed that wrong impression. They had secured 20 out of 30 seats in the Provincial Assembly — and that was no small matter. They had also demonstrated that they were not job-hunters.

Mr. Jinnah observed that from 1916 to 1935 he had been under the impression that the Hindus and Muslims would join hands and work together. In 1935, he spent four or five weeks holding conferences with Babu Ranjendra Prasad (then President of the Congress) and trying to get the Muslim view point accepted at least by the Congress leaders if not by the Hindu Mahasabha. But he did not succeed.

The new Constitution had now been in operation for more than a month, and conditions were different. He wanted to make the Hindus realise that without the friendship of the Muslims the fight for freedom would be futile. Mr. Jinnah said his idea was to form a progressive independent nationalist group to work with the Congress for the common good of the country. He had always been prepared for an honourable settlement, but finding no way to further that objective he had decided to strengthen the Muslim League.

The Times of India, May 22, 1937.

142

Appeal for Muslim Press Fund, Bombay, June 7, 1937

Mr. M. A. Jinnah, President of the All India Muslims League, has issued the following appeal to Muslims:

"For the uplift and advancement of Mussalmans and working for their welfare, much work remains to be done in political, economic and social spheres of life by establishing different centres in India for supplying up-to-date political and economical information and knowledge and establishing relief centres to aid and assist poor Mussalmans in different parts of India. It is also necessary to have an independent Press for giving advanced political views to Mussalmans by publishing a weekly or daily paper both in English and Urdu, in order to contradict false and malicious propaganda which is carried on in different places by prejudicial and interested parties in India.

"For this purpose a few prominent and patriotic Mussalmans of the U.P., who at present desire to remain anonymous, have placed in my hands a large sum of Rs.50,000 for advancement of the Muslim cause and interests in general and for protection of political rights of Mussalmans in particular. The object mentioned above and many other similar works require very large amounts, and sister communities in India have collected large funds amounting to lakhs of rupees with an organisation extending all over India. For the protection and safeguards of Muslim rights and interests, it is also necessary that a well organised body should be formed, with large funds at its disposal to look after the interests of the Mussalmans of India through the press and public propaganda and by the establishment of different and useful institutions which can help, assist and guide them.

"Many useful and valuable suggestions from prominent men all over India have been received by me from time to time, but to carry them out large funds are required. I, therefore, appeal to the Mussalmans all over India to give me such support as they can to carry out the policy and programme which I am pursuing and to send me direct their contributions, so that a central fund can be established from which all the activities for the betterment and uplift of Mussalmans in general may be started, supported and followed with success and continuity. Any contribution will be received with thanks. My address: Little Gibbs Rd., Malabar Hill, Bombay".

The Tribune, June 8, 1937.

143

Statement contradicting Nehru's charges regrading Bye-elections in U.P., Bombay, July 1, 1937.

Mr. M. A. Jinnah, the President of All-India Muslim League issued the following statement:

"My attention has been drawn to the statement issued by Pandit Jawaharlal Nehru from Allahabad dated 30 June to the effect that I have issued an appeal addressed to the voters of Jhansi-Jalaun-Hamirpur Muslim Rural Constituency where a bye-election is taking place for the Provincial Legislative Assembly. I have issued no statement of any kind whatever upto the present moment; nor have I seen the content of the alleged statement which is attributed to me. I maintain what I have often said that the All-India Muslim League is a political organisation and we stand by the policy and programme and basic principles enunciated by the All-India Muslim League.

Charges Against Congress

Pandit Jawaharlal Nehru says "that every person is entitled to preach and advocate the policy and programme of his party". But may I point out to him that a large body of Congressmen and a section of Congress press instead of placing before the public the policy and programme of the Congress and attacking and criticising the policy and the programme of the Muslim League are resorting to misrepresentation and vilification of the Muslim League and all those who are connected with it by giving out slogans and catch-words such as that the Muslim League and all those connected with it stand for the allies of the British imperialistic power, that they are against national freedom and that they are all toadies and flunkies. I am personally attacked in a large section of the press and it is made out that I am the greatest enemy of India, a rank communalist, that I stand unmasked in my true colours and that I am making a bid for leadership of the Mussalmans.

Serious Consequences

Is this this way of explaining to the people the policy and programme of the Congress? Is this how the Congress propose to establish mass contact with Muslim? In my opinion this policy of mass contact with Mussalmans by Congress is fraught with very serious consequences. There is plenty of scope for Pandit Jawaharlal Nehru to improve his own people, the Hindus, as there is a lot of undesirable elements amongst them. Similarly the Muslim League should do the same thing as there are plenty of undesirable elements among the Mussalmans

Coming back to the question of personal attack I shall give an instance. No less a person than the Secretary of the Indian National Congress gave an interview to the press. The interview is crooked, disingenuous and totally untrue. Mr. Kripalani in his statement dated May 19 said "Mr. Jinnah's fourteen points (One would have thought they were exhausted) having been granted by the foreign Government and guaranteed by the Congress, unless Mussalmans relinquished them voluntarily, may we ask what more is needed?"

I ask Pandit Jawaharlal Nehru if it is true that the Congress has guaranteed the fourteen points of the Muslims.

Charges Against Kripalani

Mr. Kripalani referred to my Bombay speech of May 21, in which I said that in 1935 I spent four or five weeks holding conferences with Babu Rajendra Prasad, the then President of the Indian National Congress, trying to get the Muslim point of view accepted at least by the Congress Leaders, if not by Hindu Mahasabhaites. But I did not succeed. With reference to this speech I am accused that I have a short memory and in support of this accusation the Congress Secretary relied on a press message as his authority. Surely a man who has risen to the position of the Secretary of the Indian National Congress ought to know better than rely on press reports. The statement which I made in my speech is absolutely true and I repeat it.

At times it is very difficult to say who are Congress leaders and who are Mahasabha leaders, for the line of demarcation between the two with regard to a large number of them is very thin indeed.

Neither Babu Rajendra Prasad nor I had any authority to come to a binding agreement, as the talks were naturally subject to confirmation by the Congress and the Muslim League. Babu Rajendra tried to ascertain the concensus of opinion among Congress and Hindu Mahasabha leaders regarding the formula, which he himself had approved but it was found that not only the Hindu Mahasabha leaders rejected it out of hands but even a certain section of influential Congress leaders were deadly opposed to the formula, which therefore, had to be dropped, as it was useless to proceed further.

The Bombay Chronicle, July 2, 1937

144

Statement in reply to the statement of Pandit Jawaharlal Nehru, Bombay, July 6, 1937

Mr. M. A. Jinnah has issued the following statement:

"I am surprised to read the statement of Pandit Jawaharlal Nehru. Instead of admitting that the statement of Acharya Kripalani which I quoted from his interview was absolutely incorrect and misleading, he puts forward an explanation which is not worthy of him. Pandit Nehru says that when Acharya Kripalani said that the Congress had guaranteed the 14 points of Mr. Jinnah he had obviously meant that the Congress had said that it seeks to change the Communal Award in co-operation with and with the goodwill of the parties concerned including Muslims. If Pandit Nehru cannot see the difference between the two, I leave the public to judge. I regret that he should give the explanation, which he has given, in support of the accusation that I am suffering from a short memory.

"The question is not whether Babu Rajendra Prasad assured me of his ability to get the formula approved by him accepted and passed by the Congress. The statement I made was that I was unable to get Congress leaders to accept the Muslim point of view and even in regard to the formula which Babu Rajendra Prasad approved of an influential section of Congress leaders was deadly opposed thereto, which statement, I repeat, is absolutely correct and it is no use sidetracking and introducing other matters.

Minorities

"But what is the position today of the Congress as preached by Pandit Nehru? He considers the question of the minorities and safeguarding and protection of their rights and interests as nonsensical. He has repeatedly said that there can be no pacts and no alliances and the Congress after the elections declared noncooperation with the Muslim League Party and every Mussalman unless he unconditionally surrendered and pledged himself to the Congress policy and programme. That today is the position — surrender, submit, no question of any honourble adjustment or settlement either with regard to the minorities question or any other question of general policy and programme which is pursued by the Congress. With regard to his accusation that there are some prominent members in the League whose record of political activity is reactionary, surely the Congress is not pure gold and after all a party has to be judged by its policy, programme and basic principles.

"As to the rest of the statement it is the usual platitude in regard to mass contact of which Pandit Nehru thinks he has the sole monopoly and he is the only exponent of their rights and interests which need not be discussed any further and I am glad to learn that there is no such thing as a section of the Congress press, and the President is not responsible for their vilification and misrepresentation of the Muslim League." (A.P.)

The Civil & Military Gazette, July 7, 1937.

145

Statement regarding League's co-operation with the Congress in the Legislatures, Bombay, July 8, 1937.

"I am glad that the Working Committee of the Congress has now decided to do what I have been urging having regard to the prevailing conditions in the country for the last 18 months. This policy was adopted by the All India Muslim League as far back as April 1936 in its Bombay session. Of course, when we said it was the right policy, we were told that we were wrong, reactionary and unpatriotic. But the moment, the Congress decides and adopts the same policy, it becomes right, national and patriotic.

"I hope, that Congress won't stand on prestige with regard to our own people and will co-operate with the Muslim League Parties in the legislatures. I have often repeated that our own hand of co-operation is always there for any programme in the legislature or outside which is calculated to advance the welfare of the people of the Province and the country. I am glad that blind man's buff and Dutch auction have ended. India's need is the creation of a united front."

The Tribune, July 9, 1937

146

Statement regarding Palestine Report, Bombay, July 11, 1937

Mr. M. A. Jinnah, President of the All India Muslim League, says that the Palestine Report does most grievous wrong to the Arabs, and that if the British Parliament puts its seal upon it the British nation will be breaking its pledges. "It is wrong", he says "to do a thing which is unjust because it will minimize trouble or suit some special interest. Great Britain must honour her pledges fearlessly."

The Times, July 12, 1937

147

Statement regarding League Congress Cooperation in various Provincial Legislatures, Bombay, July 25, 1937.

Mr. M. A. Jinnah, President of the League, said that he would welcome an honourable settlement between the Hindus and Muslims and that he is ready to help in bringing about such a settlement. Mr. Jinnah adds that as an earnest on his part, he sent a message to Mr. Gandhi in May last appealing to him to take up the Hindu-Muslim question with a view to finding a solution. Referring to the threatened secession of some of the members of the Muslim League Party in the United Provinces legislature, Mr. Jinnah states that if those members had a shred of conscience they would resign their seats and seek re-election on the Congress ticket.

A "Sporting Offer"

The President of the Muslim League also refers to the part he played in the negotiations for a settlement of the communal question in 1935 when he and Mr. Rajendra Prasad, the then Congress President, had prolonged discussions. He quotes Mr. Rajendra Prasad as saying, 'It is not correct to maintain that even a certain section of influential Congress leaders were really opposed to the formula,' and points out that by now Mr. Rajendra Prasad must have been satisfied on this point by the statement of the Bengal leaders who had declared that this was not true. Mr. Jinnah then proceeds:

"In what he (Mr. Rajendra Prasad) characterizes as a 'sporting offer', he makes another statement which also is absolutely incorrect and without foundation. he says: 'I am making a sporting offer to Mr. Jinnah. I offer to get the formula accepted by the Congress even today if he on his part offers, as he did then, to get it signed by all the Muslim leaders barring one or two whom he he has named.'

Communal award

"This is a conditional offer and is devoid of any sporting spirit. In the first place, I never offered to get Mr. Rajendra Prasad's formula signed by Muslim leaders. He appears to have forgotten the genesis of our conversation. I was requested by him and by other Congress leaders to meet him (Mr. Rajendra Prasad) and the question at issue was how to put an end to the bitter controversy which was raging at the time between Hindus and Muslims over the Communal Award. The Muslim point of view which I placed before them was that the Hindus should provisionally accept the Communal award until a substitute was agreed upon between the two communities, and that we should utilize the Provincial constitution for what it was worth and carry on a united struggle until we had secured a constitution for our country which would satisfy our people. This was not acceptable to Mr. Rajendra Prasad and his friends. I was next asked that, if they could propose a substitute on the basis of joint electorate which might secure for Muslim interests more than that offered in the Communal Award, would I consider the scheme. I naturally said that if any such proposal was put forward, which had the universal support of the communities concerned, namely the Hindus and Sikhs, I would place it before the session of the All India Muslim League without delay; and in my reply to Mr. Rajendra Prasad's letter asking me again to meet him, I wrote on January 27, 1935, stating that I had consulted a few friends and that I would be glad to meet him in my individual capacity for the purpose referred to in his letter.

Far-reaching Question

"I had no authority from the League to come to any agreement and my position today is exactly the same as before. It is astonishing that Mr. Rajendra Prasad should have adopted the method and manner he has, flinging a 'sporting offer' at me in regard to an issue which involves the fate and future of 80,000,000 Muslims and the country at large. In all seriousness I would ask him if he thinks that this is the right way of opening negotiations through the channel of the Press for the settlement of this vital and far-reaching questions. His sporting offer amounts to this that I must get the formula signed by all Muslim leaders throughout India, except one or two, and then request him to have it adopted by the Congress. Surely if a substitute for the Communal Award, which the Muslims have already accepted, is to be proposed, it can come from the Hindu and Sikh leaders who are opposed to it. Mr. Rajendra Prasad's sudden change of front, his manner, method and the channel that he has adopted, together with newspaper reports about a few

Muslims in the United Provinces threatening to leave the League if I do not carry out what he has enjoined me, lead me to suspect that it is not a genuine desire for an honourable settlement but it is an attempt to divide the Muslims, split the Muslim League and strike a blow at Muslim unity for which I have been working."

Mr. Ghandi's Message

Continuing, Mr. Jinnah refers to Pandit Jawaharlal Nehru's comment in respect of the rights and interests of the minorities and says:

"The Congress, according to the latest statements by Pandit Nehru and the Secretary of the Congress, is out to destroy the Communal Award, as it has not been acceptable to them, and we have been told, that if we want any settlement, to apply to the Hindu Mahasabha. In the meantime Congress policy is that Muslims must join the Congress unconditionally and sign the Congress pledge. Nobody would welcome an honourable settlement between the Hindus and Muslims more than I and nobody would be more ready to help it; and as an earnest on my part I sent a message to Mr. Gandhi when he was at Tithal in May last appealing to him to take over the question of a Hindu-Muslim settlement. Mr. Gandhi replied: 'Mr. Kher has given me your message. I wish I could do something but I am utterly helpless. My faith in unity is as bright as ever, only I see no daylight out of the impenetrable darkness, and in such distress I cry out to God for light.' In conclusion, I want to say a word to the Muslims. Those few waverers who have betrayed us or are about to do so for jobs need not seek any excuse or loophole to justify their threatened secession from the Muslim League. They may go, but if they have a shred of conscience left, they should tender their resignations and contest the seats again on the Congress ticket. I am sure that the Muslim League would be all the better without such men."

The Statesman, July 26, 1937

148

Statement in reply to Babu Rajendra Prasad's offer, Bombay, July 25, 1937.

I have seen the report of the statement of Babu Rajendra Prasad under the heading "Rajendra Babu returns to the charge."

Babu Rajendra Prasad begins by saying: "I have seen Mr. Jinnah's statement regarding the breakdown of the Delhi negotiations. I am afraid that there is nothing in my statement which I should withdraw."

"The statement that I complained of was made by him in his interview which was published on July 6, 1937, in which he stated: 'It is not correct to say that even a certain section of the influential Congress leaders was deadly opposed to the formula.' I think he must be satisfied now after the statement of the Bengal leaders who say that is not true."

Sporting Offer

In what he characterises as a 'sporting offer' he makes another statement which also is absolutely incorrect and without foundation. He says: "I am making a sporting offer to Mr. Jinnah, that I offer to get the formula accepted by the Congress even to-day if he offers as he had done then, to get signatures to it of all Mussalman leaders barring one or two whom he had named to me."

It is a conditional offer devoid of any sporting spirit. In the first place I never offered to get signatures to Babu Rajendra

Prasad's formula of all Muslim leaders barring one or two whom I had named or any leader. Babu Rajendra Prasad has forgotten the genesis of our conversations. I was requested by Babu Rajendra Prasad and other Congress leaders to meet him, and the questions was how to put an end to the bitter controversy that was raging at the time over the Communal Award until a substitute was agreed upon between the communities concerned, and that we should utilise the Provincial Constitution for what it was worth and carry on our united struggle until we secure a constitution for our country which will satisfy our people. This was not acceptable to Babu Rajendra Prasad and his friends.

Substitute For Award

Next, it was suggested that if they could propose a substitute on the basis of joint electorate which would be more in the interests of the Mussalmans than the Communal Award, would I then consider it? I naturally said, if any such proposal came with the universal support of the communities concerned, namely, the Hindus and Sikhs, I would place it before the session of the All-India Muslim League without delay and in my reply to his letter asking me to meet him I wrote as follows:

"Thank you for your letter of 24th instant. I have consulted a few friends and I should be glad to meet you in my individual capacity for the purpose referred to in your letter as requested by you."

Why Through Press?

I had no authority from the League to come to any agreement and my position to-day is exactly the same as before. It is somewhat astonishing that Babu Rajendra Prasad should have adopted the method, the manner and the channel of approach, through which he flung this "sporting offer," with regard to an issue which involves the fate and the future of eighty millions of Mussalmans and the country at large. In all seriousness I appeal to him, does he think that this is the right way to open negotiations, through the channel of the press for the settlement of this vital and far-reaching question? His "sporting offer" amounts to this, that I must get the signatures of all Mussalman leaders from all over India except one or two and request him to get it passed by the Congress.

Surely if a substitute for the Communal Award which the Mussalmans have already accepted is to be proposed, it can only come from the Hindu and Sikh leaders who are opposed to it and the two communities directly concerned. I can repeat now what I said when we commenced our talks at Delhi in January 1935, that if Babu Rajendra Prasad is so sure of getting the Congress to adopt his formula as a substitute for the Communal Award, and informs me to that effect with the authority and sanction of the Congress, I will place it before the All-India Muslim League without delay.

In Self-Defence!

I do not wish in any way to make the course of negotiations or settlement difficult. But I must say in self-defence that the sudden change of front and the manner, the method and the channel, namely the press, that are adopted and what is being reported in newspapers about a few Muslims in the United Provinces threatening to leave the Muslim League if I do not carry out what Babu Rajendra Prasad has enjoined me to do, lead me to suspect that it is not a genuine desire for an honourable settlement, but is an attempt to divide the Mussalmans, to split the Muslim League and to strike a blow at unity among Mussalmans for which I have been working. For until yesterday, not to go beyond the Faizpur resolution, according to the pronouncements of Pandit Jawaharlal Nehru, speaking with the authority of the President of the Congress, the position was that "to talk about the rights and interests of the minorities and their safeguards was utter nonsense." The Congress, according to Pandit Jawaharlal Nehru and the Secretary of the Congress, in their latest statements, was out to destroy the Communal Award, as it was not acceptable to them and we were told that if we wanted any settlement, we must apply to the Hindu Mahasabha.

A Stray Mussalman!

In the meantime the Congress policy was that Mussalmans should join the Congress unconditionally and sign their pledge. After the Congress was flushed with its majority in six provinces, it deliberately decided to ignore, nay, decided to non-co-operate with the Muslim League Parties in the various Provincial Legislatures, and they have in forming the Ministries vindicated the justice and the fair treatment to the minorities urged and promised by Mahatma Gandhi very recently by having made a good feast of all the loaves and fishes that are at present available for the Congress Party in the various Legislatures and getting a stray Mussalman to exchange a pledge overnight to accept Ministry the next morning! I regret that I should be obliged to point out these matters and that I should have to resort to a *post mortem* inquisition. As to Pandit Jawaharlal Nehru's statement which appears side by side with that of Babu Rajendra Prasad on the 20th July, what can I say to that busy-body President? What does he know of what took place between me and Babu Rajendra Prasad? He seems to carry the responsibility of the whole world on his shoulders and must poke his nose in everything except minding his own business. Again he comes back to another point with regard to the statement which was alleged to have been issued by me as an appeal to the voters of Bundelkhand-Jhansi electorate which I have already repudiated and said that no such statement was issued by me.

Message To Mahatma

"I assure the Mussalmans and the public at large that I am not in the slightest degree affected by anything that has happened in the past, and nobody will welcome an honourable settlement between the Hindus and the Mussalmans more than I and nobody will be so ready to help it, and as an earnest on my part I sent a message to Mr. Gandhi when he was at Tithal only in the month of May last appealing to him to take up the question of Hindu-Muslim settlement and concentrate his great influence and efforts to which I received the following reply on May 22, 1937.

"Kher has given me your message. I wish I could do something but I am utterly helpless. My faith in unity is bright as ever; only I see no-daylight out of the impenetrable darkness and in such distress I cry out to God for light."

A Word To Mussalmans

In conclusion I want to say a word to Mussalmans. Those few waverers who are ready or about to betray us for jobs need not seek excuses or loopholes to justify their threatened secession from the All-India Muslim League. They may go, but those members of the League, if they have a shred of conscience left, should tender their resignations and contest the seats again on Congress ticket. I am sure that the All-India Muslim League will be all the better without such men. To those who suffer from defeatist mentality I say, have courage and faith, *Delhi dur nest*; and I say to all Mussalmans of India to organise, consolidate and establish solidarity and unity. Service, suffering and sacrifice are absolutely essential conditions before we can achieve anything big and secure our right place in the national life of our country. (A.P.)

The Civil & Military Gazette, July 28, 1937.

149

Statement in reply to the statement of Babu Rajendra Prasad, Bombay, August 2, 1937.

"The straightforward, plain course open to Babu Rajendra Prasad is, if he thinks that he can get his proposal passed by the Congress, to do so and to communicate with me. My offer is open, as it was before, and I will place the proposal before the Muslim League without any delay" says Mr. Jinnah replying to Babu Rajendra Prasad's latest statement from Patna.

Mr. Jinnah says that he is glad that Babu Rajendra Prasad has given up discussing further what took place in 1935. But he adds the original statement which he (Mr. Jinnah) made in regard to what happened in 1935 has now been established to the hilt. What he then said was that the Hindu Mahasabha had rejected his formula out of hand, that a body of Sikh leaders was opposed to it and that an influential section of Congress leaders was greatly opposed to it.

Mr. Jinnah reiterates that he never agreed to Babu Rajendra Prasad's formula. It emanated from Babu Rajendra Prasad and his friends and this fact was stated by him in a statement which he issued to the press on April 24, 1935 almost immediately after the conversations had terminated.

As to his doubting the capacity of Babu Rajendra Prasad to get the Congress to pass his proposal Mr. Jinnah says, it is a mater of opinion but the question did not arise then at all.

It was obvious he adds that the proposal was intended to be a substitute to replace the Communal Award and when it was found that it did not have the backing of Hindus and Sikhs and that even the Congress leaders were divided, it was dropped.

Mr. Jinnah refers to Babu Rajendra Prasad's concluding sentence and says that he never promised to get the signatures of all Muslim leaders in India barring one or two and that he did not tell Babu Rajendra Prasad that he could get the signatures of Muslim leaders barring some whom he had named.

Mr. Jinnah asked: "Did Babu Rajendra Prasad expect me in 1935 to call a special session of the League to place before it his proposal and to tell the session that the Hindu Mahasabha would not look at it, that the Sikhs, in a body, were opposed to it and that the Congress leaders were divided because that was the position in 1935 and I regret to say that is the position today; and what does his sporting offer amount to — that I should get the signatures of all Mussalman leaders all over India to an appeal to him so that he may prove his ability to get the Congress to pass his formula.

"The straightforward plain course for him is to get his proposal passed by the Congress, communicate with me and my offer is still open as it was before and I will place it before the Muslim League without any delay."

The Civil & Military Gazette, August 4, 1937

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Speech in the Central Legislative Assembly on the question regarding "Inauguration of the Federation", Simla, August 23, 1937.

Mr. Badri Dutt Pande: Will the Honourable the Leader of the House state:

(a) how the scheme of the Federal Legislature has progressed;

(b) whether he is in a position to state when fresh elections to the Federal Legislature are going to be held; and

(c) whether the press reports that most of the Princes are not willing to enter into the Federation have any basis?

The Honourable Sir Nripendra Nath Sircar: I regret I am not in a position to furnish any information on the points raised by the Honourable Member in his question.

Mr. Badri Dutt Pande: May I inquire the reason why?

The Honourable Sir Nripendra Sircar: The reason is this Part (a) of the question wants to know how the scheme of the Federal Legislature has progressed. Honourable Members are aware the negotiations are going on with the Princes with a view to Federation. How am I to answer the question as to how far the scheme of the Federal Legislature has progressed. The only statement of fact that I can make is that negotiations are going on with the Princes with a view to inaugurate Federation. That is all I can say.

Mr. M. A. Jinnah: What are the chances?

Mr. Badri Dutt Pande: Is it a fact that the Princes are not willing to enter the Federation......

The Legislative Assembly Debates, 1937 Vol: IV, pp. 17-18.

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Speech in the Central Legislative Assembly on the adjournment motion regarding 'Indian interests in Zanzibar', Simla, August 23, 1937.

Mr. S. Satyamurti (Madras City: Non Muhammadan Urban): Sir, I beg to move that the House do now adjourn.

Sir, it is a far cry from the privileges of this House to Zanzibar, but still I hope that, within the fifteen minutes allowed to me under the Rules........

.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I speak on this question with a certain amount of diffidence. I listened to the speech of the Leader of the Opposition, and as I understood him, his strongest point was, — British interests are exploiting Indian — I am not going to enter into various controversies over small matters, — but the question is whether the Government deserved our censure with regard to their policy and the action which they have adopted with regard to Zanzibar Indians.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): What is the Government?

Mr. M. A. Jinnah: Of course, the Government of India. Now, the question before the House is, I repeat, whether the Government of India deserve a vote of censure for the policy they have adopted and the action they have taken in this matter. I was going to say that in the speech of the Leader of the Opposition there was only one point which required consideration, and I want the Government to clearly explain that to the House. His point was that there is some foreign interest, viz., British — I see the Honourable Member opposite is smiling.....

The Honourable Kunwar Sir Jagdish Prasad: I merely wanted to tell my friend, Mr. Jinnah, that there is no foreign interest involved, none at all.

Mr. M. A. Jinnah: The suggestion is, and I want to make it quite clear, — if I am a little blunt I hope the House will excuse me, — the implication is that British interests are behind this, and the scheme which the Government of India have accepted is going to help them to exploit the Indians in Zanzibar.

The Honourable Kunwar Sir Jagdish Prasad: I say categorically here that there is no question of any British interests at all in the clove trade in Zanzibar.

Mr. Bhulabhai J. Desai: Is there an Arab, or an African on the Clove Growers' Association?

The Honourable Kunwar Sir Jagdish Prasad: The Clove Growers' Association is a Government organization. (Interruptions.) If my friends will have a little patience, I want to reply to my friend, Mr. Jinnah, in regard to his very pertinent question whether British interests are involved in this matter or not. That is the question that Mr. Jinnah has asked, – and I say categorically that the vast majority of growers are Arabs and Africans, that the middlemen and the traders are Indians, and there is no question of any British interests in it at all.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Are there any Africans other than the clove Growers Association?

Mr. M. A. Jinnah: I am very glad that I have excited the interest of the House. The position really is this. As I said, I really speak with a certain amount of diffidence, and I have not yet been able to gather from all the literature that I have had the opportunity of seeing that there is any British interest which will gain and which will be able to exploit Indians. I have got the fullest sympathy for our countrymen in Zanzibar. We are not dealing here with Islam or Hinduism. We are not concerned with the fact whether they are Mussalmans or Hindus or Parsis or Christians. For my purpose, so far as this issue is concerned, it is enough that they are Indian, and if their interests are not safeguarded by the Government of India, I shall be the first to support this motion and walk into the lobby on the opposition side. But the question is this and I have not been able to gather from any literature that there is on the subject that the British over there have any real interest in this trade, so far as this trade is concerned and further whether the terms of the agreement will enable them to exploit Indians.

Mr. Bhulabhai J. Desai: There is plenty of literature on that.

Mr. M. A. Jinnah: I stand corrected, but let me tell you that I have not been able to get any coherent statement to satisfy me at least *prima facie* that the British interests will gain......

Mr. S. Satyamurti: What about that Association?

Mr. M. A. Jinnah: It is no use calling it an association.

Mr. S. Satyamurti: It calls itself; I don't call it.

Mr. M. A. Jinnah: Association does not mean British; it may mean an Association of Indians, Arabs and Africans and two officials.

Mr. S. Satyamurti: It is not so.

Mr. M. A. Jinnah: As I said, I have got no data for the allegations of the Congress Party. (At this stage there were interruptions from the Congress Party Benches). It is no use merely saying an Association, this that and vague things. I want definitely and categorically to be stated here with facts and figures why it is suggested that the British will be able to exploit.

Mr. S. Satyamurti: They have got a majority there.

Mr. M. A. Jinnah: I will listen to anybody who will satisfy me on that point.

Mr. M. Ananthasayanam Ayyangar: There is a book which has been circulated by the Imperial Indian Association.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not be interrupted.

Mr. M. Ananthasayanam Ayyangar: I am only giving him information, Sir.

Mr. M. A. Jinnah: I think it is really no sue always bringing in certain racial considerations of this character in season and out of season. It is no use exciting the people by catch words in this way. We must really examine the facts. It may be that the Honourable Member in charge of the Government of India is making a statement which you may say is not true. You may say that the Honourable Secretary, speaking with all the responsibility behind him, is making a statement which is not true. You may say to me, "You have not read all the literature properly". But as far as I have been able to gather — I cannot go beyond that — I have not been satisfied yet. will [come] to the point whether the Government have done well or have done bad, but so far as this issue is concerned, I am not satisfied that there is any foundation for these allegations.

Now, then, the next question is this, I agree that there are two classes or three classes, namely, the growers on the on hand, the traders and middlemen and money-lenders the second class, and the exporters on whose behalf nobody has yet said a word in this House, and I think they can take care of themselves — and there is really the clash of interest between the growers and the middlemen, the traders and the money-lender. I quite see that the Government of Zanzibar or the Colonial Office, which is finally responsible, when realized the conditions of oppression and hardships which will nigh ruined the poor growers — they suddenly woke up and when they woke up they started with cloves straightaway, it being the main product. It, of course, naturally affected, and affected at once the vital interests of the traders and the middlemen who have been there for 100 years and who have, if I may say so, rightly or wrongly, enjoyed the exploitation. But even when people have exploited other people or other communities, — when you come upon them suddenly, of course, they do not like it, and suddenly if you come down upon them with drastic measures, it will be highly wrong, and therefore, you have to proceed cautiously and carefully and see that the minimum measures are adopted by which you do not drastically give wholesale relief to the growers and destroy the traders and the middlemen wholesale.

The first Board that was established in 1934 was undoubtedly likely to affect Indian interests in a drastic manner, as I described, at the expense of the traders, and drastic relief might have been given to the growers at the cost of Indians, and that is the issue upon which the Government of India have fought and fought. And now I do not think that they have given away anything yet. I do not think that anything is finally settled and now we have got an elaborate scheme, a scheme which, as far as I can follow it, is at any rate intended to safeguard the interests of the Indian fairly without in any way prejudicing the objective, namely, that relief must be given to the growers as far as possible. That is how I understand, and that is the policy of the Zanzibar Government. Every Government is certainly entitled to deal with its economic question in the best way it can. Why should we introduce in this matter — a great deal of interested and one-sided literature that has been flung at us and thrown at us in various ways, and, of course, as the Honourable Members know, and we shall realise this more and more — believe me, when certain interests are trampled upon, they will get up propaganda and they will do the utmost in their power to sway this Legislature one way or the other, and we have to seer clear of that danger and not fall into the trap. While, as I say, I wholly sympathise with the Indians in Zanzibar, while I shall be the last person to do anything which will unduly prejudice their interests or be detrimental to their vital interests, I think, so far I am not convinced that there is going to be a serious prejudice or such a detriment to their interests that we should pass a vote of censure against the Government for having accepted this provisional scheme.

May I say one more word, and I finish. I would certainly ask the Honourable Member in charge with all the earnestness that I can command that the very communique that you have issued and they very objects that you have laid down, – and you have impressed not only this House but the country at large that, so far as the best interests of the Indians are safeguarded if this scheme is carried out in its true spirit and letter. Now, in order to avoid misunderstanding, we feel, and I think we rightly feel, that Government have been guilty so often, the Government of India have been guilty so often, they have done so many wrong things that, believe me, with all my judicial mind, with all the reasoning that I can command, it is very difficult for me to support you even when you are right, because people do not believe Government. And let me tell you, it is really your duty, it is the duty of the Government of India that they must send some agent in Zanzibar so that we may get from time to time authoritative information, authoritative statement – not only that, and I agree with Mr. James – not only that, but in order to see that this agreement is carried out, which is far more important, in its letter and spirit; we require an able, efficient representative of the Government of India to guide, to help and to stand by the Indian community in Zanzibar.

Legislative Assembly Debates, 1937
Vol. IV, pp. 404-407

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Speech in the Central Legislative Assembly on the Motion regarding "Hunger-Strike of Political Prisoners in Andamans", Simla, August 25,1937

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): I beg to move:

"That the Assembly do now adjourn."

I shall be very brief, Sir, because I want a straight vote of this House on this motion, so that our voice may reach these hunger strikers in the Andamans and persuade them, whatever Government may or may not do, to give up this hunger strike on the assurance that we are doing our best by them. Telegrams have gone to them already, but I hope, Sir, this vote of ours will go to them tonight, and if any of them has, unfortunately, fallen a victim of this hunger strike already, I pray that at least the other lives may be saved. I should like the Honourable the Home Secretary to give us the latest information, with regard to these hunger strikers. I do not want to discuss the merits or demerits of a hunger strike; but I want to mention only this, that when a man resorts to a hunger strike, he stakes his life on it, and, therefore, it is not a light-hearted matter; and I am not prepared to merely argue about it sitting in our comfortable chairs. I want also to mention, Mr. President, to this Honourable House that this hunger strike has been resorted, to *inter alia*, for the repatriation of these prisoners to their provinces. . . .

. . . . . .

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I rise to deal with this motion absolutely dispassionately, and I echo the words of Mr. Roy that this House is a responsible House, that it should discharge its responsibility in an issue of this character without being led away by any sentiments, passions or excitement that may legitimately exist. Sir, I have listened to the Government spokesman, and although I myself feel that the word 'callous' in this motion for adjournment is unfortunate, still I think that the Government may justify their position by stating facts and reciting the history. They may say that they have done what any responsible Government would have done under the circumstances. They may say that "We have done that and nothing else, and, therefore, we are not to blame for it." But, Sir, the issue before the House now, as I understand it, is this. I do not think one can really dispute the proposition that these prisoners are political prisoners. It is no use saying, so-called political prisoners. When you deal with them you must remember that, however misguided, however wrong, however heinous their acts were, they were actuated by political considerations, and that is a fact that must be borne in mind. I do not say that in the name of politics, in the name of patriotism, a man is justified in killing another man or committing dacoities or robberies. They should be condemned unequivocally. As long as any Government wishes to maintain law and order which is its primary function, it must put that down and must deal with those offences with the same severity as that with which you would deal with any other offence. But that is not the question now before us. The Honourable Member said that their ultimatum was that they wanted unconditional release, not only of themselves, but of the detenus; not only that, but that all repressive laws should be repealed, and so on and so forth. We are not considering that now. That is not the issue before the House now. As I understand, the simple issue before the House is this, that on this side of the House with such evidence as we have in our possession, not only recently but times out of number a section of opinion have come to the conclusion that the Andamans is not the place for these prisoners, or any other and that as a penal settlement it should be abandoned that they should be repatriated to their provinces. Nobody has asked Government to do anything more today.

To that the answer is, "Are we going to do this under the point of a bayonet, namely, the hunger strike? If we do that now and if we repatriate them now, while the hunger strike is going on, would it not be setting an example to the prisoners all over to do the same?" I think Government have ample evidence that this hunger strike is not approved of by anybody in this country. On the contrary, you have got enough evidence to show that every responsible party every responsible person in this country has made it clear that this hunger strike must stop. But may I appeal to the Government that justice must be tempered with mercy? You are perfectly justified in saying—and I endorse it without hesitation—no Government can afford to yield to any threats of this character—hunger strike, or that on that ground their demand should be complied with. But apart from the conduct of these prisoners who are on hunger strike you have got to consider the opinion of this House, and that is independently of the hunger strike, that they should be repatriated. We are not urging upon you now that you should repatriate them because they are on hunger strike. But they should be repatriated on grounds, on reasons that we feel that, whatever may have been the reasons five years ago in 1932, those reasons do not exist now and the question should be reviewed and I think we have a clear indication, and I think Mr. Satyamurti deserves the congratulations of this country for leading many a people on the right way. He says "You bring them here and these very men who have committed these serious crimes—We shall see that they are brought on the right way of conduct" those are his words. Therefore, it is this House that is urging upon the Government on a different ground, on a different plane, on different data, to consider the question afresh immediately to repatriate them to this country.

I am rather surprised that the Bengal Government and the vote in the Bengal Council should have been brought into this discussion. But the Bengal Government's position is similar. They are taking up the stand in the same way: "So long as the strike continues we cannot yield. But if the strike ceases we shall give a sympathetic consideration". I ask Government to give their serious consideration to this matter and assure this House that they will consider the question of repatriating them without delay. My Honourable friend, Mr. Thorne, said, that the words of the motion are such that it becomes difficult for him to accept it. Had it been in different terms the Government would have probably accepted it, he said. May I know what it is, what are the terms, which he cannot accept because I attach no importance to the words? After all Honourable Members know perfectly well that a motion of adjournment has got to be brought in some sort of language, and I admit the implication of it–it is a grave implication, I realise it and I shall be the last person to support any motion of adjournment because it implies a deliberate and definite censure on the conduct of the Government and, therefore, I shall be the last person to support a motion in a hurry. But after all, the motion has got to be worded in some language.

If the Government assures us definitely that on the ground I have put before the House, viz., not because a pistol is held at the head of the Government by these strikers, but on the ground which I have submitted before the House, that the Honourable Member will give immediate consideration to the question of their being repatriated. I should then ask also the Congress Party not to press this motion. Because, after all, remember, the object is not to censure the Government. As my Honourable friend, Maulvi Syed Murtuza Sahib Bahadur, very rightly said, the object of this motion is not that we should carry it by a majority because the majority is with us now, but the object of this motion is to get a definite and clear statement from the Government as to what is going to be their attitude in this matter, and if we are satisfied, then no purpose will be served in merely carrying this motion to a division and unnecessarily exasperating the Government instead of getting their sympathy and their support."

Mr. R. F. Mudie (Government of India: Nominated Official): I did not intend to intervene in this debate, but having heard Mr. Jinnah's dispassionate speech, his carefully reasoned speech, and as Mr. Jinnah asked for a reply from Government, I have risen simply to explain one or two points in connection with what he said. The object of the motion is to call attention to "the callous attitude of the Government". Mr. Jinnah, on the other hand, considers that the motion before the House is the question of the repatriation of these prisoners.

Mr. M. A. Jinnah: Not only I consider it, but I think that was the ground on which Mr. Satyamurti put it.

Mr. S. Satyamurti: I want immediate repatriation not the immediate "consideration of repatriation". Immediate repatriation tonight or by the next possible steamer. They will die by the time you have finished consideration. I want immediate repatriation.

Mr. R. F. Mudie: Not only Mr. Jinnah, but Mr. Satyamurti also, agree that the main object that we are considering at the moment is the repatriation of these prisoners. Mr. Jinnah, but not I think Mr. Satyamurti, admitted that no Government should give way on a hunger strike and remain a Government. But Mr. Jinnah basis his argument for repatriation on the opinion of this House. The opinion of this House has not yet been taken, but even if Mr. Jinnah is a true prophet I would ask him to consider one point, and that is this. Repatriation of these prisoners does not lie with the Government of India or with this House. It is essential if you move a prisoner from one province to another to have the consent not only of the province from which the prisoner is transferred but also that of the province to which the prisoner is transferred. As my friend, Mr. Roy, pointed out, the opinion not only of the Bengal Government but of the Bengal Assembly also is against transfer. Now, I ask Mr. Jinnah, if his argument, that the Government of India ought to give way on this point because of the supposed opinion of this House, is sound, how is it possible for the Government of Bengal to repatriate these prisoners in the teeth of the opinion of their own Assembly?

Mr. M. A. Jinnah: I understood that the Bengal Government are willing to consider the question of repatriation sympathetically.

Mr. R. F. Mudie: I can assure Mr. Jinnah that the Government of India will not stand in the way of whatever the Bengal Government have decided to do....

I was going to explain that the Government of India will not stand in the way of the Government of Bengal, if they wish to repatriate.....

Mr. M. A. Jinnah: I want the Government of India to take the lead.

Mr. R. F. Mudie: The main obstacle in the way of repatriation of these prisoners is their own action, their hunger strike. That is the view of the Government of Bengal which has the control of this matter.

Mr. M. A. Jinnah: May I interrupt the Honourable Member? I am fully alive to the constitutional and legal position *vis-a-vis* Provincial Governments, but what I want to know from the Government of India, such as it is constituted today, is whether they will give us the assurance that they will do their best.

Mr. R. F. Mudie: I can give an assurance that we will not stand in the way of what the Government of Bengal propose to do.

(Cries of "Question be put")

Mr. President (The Honourable Sir Abdur Rahim): The question is"

"That the question be now put".

The Legislative Assembly Debates, 1937,
Vol. IV, pp. 559, 572-75.

153

Speech in the Central Legislative Assembly on the motion regarding "Report of the Indian Railway Enquiry Committee", Simla, August 27, 1937

Mr. President (The Honourable Sir Abdur Rahim): As regards the motion which stands in the name of the Honourable Sir Saiyid Sultan Ahmad, it has been arranged that there should be a time limit for speeches. The arrangement that has been arrived at between the Leaders of the Parties and the Government is that the Movers of the amendments will have 25 minutes each and the Honourable Sir Saiyid Sultan Ahmad, who does not wish to make any speech when he moves the motion that the Report be taken into consideration, will speak after all the amendments have been moved and will have thirty minutes, and the other speakers will have 15 minutes each.

Dr. Ziauddin Ahmad (United Provinces Southern Division: Muhammadan Rural): Is that your ruling, Sir! Is it according to the Standing Order!

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Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): The point is that on every occasion you were pleased to make an arrangement fixing time limit, you did so with the consent of the whole House and that was an arrangement in which all Parties were consulted.

Mr. President (The Honourable Sir Abdur Rahim): I understood that in this case also all the Parties were consulted, but I find that the Democratic Party was not consulted.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I wish to inform you that nobody on behalf of my Party was consulted.

Sir Muhammad Yakub: Only the Congress Party was consulted. They seem to want to boss over the whole show.

Mr. President (The Honourable Sir Abdur Rahim): That sort of remark should not be made.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I was not present when the decision was arrived at.

Mr. M. A. Jinnah: I was making some remarks when I was interrupted, and it seems to me that nobody can get up unless he is interrupted before he even begins.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member please speak up?

Mr. M. A. Jinnah: I suffer under the same disability when the Chair speaks.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes me to hear what he says, I must ask him to speak if he can.

Mr. M. A. Jinnah: I reciprocate that. I want to draw your attention to this. We do not wish in any way to put any difficulty in the way business being facilitated. We shall always be too glad to come to say arrangement which will help the conduct of the business of the House but I must say this that no Party, however important they may be in number; should come to any such arrangement without consulting other Parties and, at the same time, communicate to you that that is the arrangement arrived at by the House and by all the Parties. With these observations I am quite willing to meet you in any way I can.

Mr. President (The Honourable Sir Abdur Rahim): I think I can clear up one misconception, that this message was communicated to me not by the Congress Party, but by the Secretary of the Legislative Department.

Mr. M. A. Jinnah: I equally protest against that.

Mr. President (The Honourable Sir Abdur Rahim): I did not know that no other Party was consulted.

Sir Muhammad Yakub: It is still more unfortunate that a Government Member should place such false information before the Honourable the President.

Mr. G. H. Spence: ....If Honourable Members agree to the proposal which I have announced, I shall impose the time-limit.

Mr. M. A. Jinnah: I am not prepared to agree to it now

Sir Muhammad Yakub: Nor are we prepared to agree to.

Mr. President (The Honourable Sir Abdur Rahim): Then there will be no fixed time limit and any Honourable Member will speak as long as he likes provided he observes the rules and standing orders.

Mr. S. Satyamurti: Sir, I propose to observe the time limit of 25 minutes, and I earnestly appeal to the House to observe the time limit suggested, although the Leaders of Parties are not agreeable to that. I put it on the simple ground that the matters involved in this debate are so important that we ought to get a vote if possible today. That is the only appeal....

Mr. M. A. Jinnah: I cannot agree. It is entirely for the Chair to decide according to the strict letter of the Rules and Standing Orders.

Mr. S. Satyamurti: I hope my friend will remember that the strict letter of the law is not always applicable to important matters. I want to appeal....

Mr. M. A. Jinnah: That is for the Chair, and not for me to decide.

Mr. S. Satyamurti: Sir, this Committee was appointed on a ....

The Legislative Assembly Debates, 1937,
Vol: IV, pp. 695-98, 701.

154

Speech in the Central Legislative Assembly on the "Insurance Bill", Simla, August 30 - September 23, 1937

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to the business of insurance, as reported by the Select Committee, be taken into consideration".

Sir, the Select Committee had to devote considerable time to this measure on account of its importance to Indian business interests. They were possibly a little embarrassed by the excessive dose of instructions they received and the representations they had to consider from the different people assembled here......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Will the Honourable Member give the reference to the paragraph of the Instrument of Instructions mentioned by him?

The Honourable Sir Nripendra Sircar: I think it is 19 or 27, but if my Honourable friend will give me time till tomorrow I will give him the exact paragraph. I believe it is one of the sub-clauses of 19 but I am not sure.....

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The Honourable Sir Nripendra Sircar:...... Having regard to the history of industrial concerns here......

Mr. M. A. Jinnah: Peculiar history!

The Honourable Sir Nripendra Sircar.... peculiar, very peculiar history....

......

Mr. S. C. Sen:.....given a hearing before the Superintendent in order to enable the company to point out if the information available to the Superintendent is wrong or not, whether there is any explanation for the same and so on. After all, my Honourable friend, Mr. Husenbhai Laljee, would not make us believe that a responsible officer like the Superintendent would always go wrong.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What will be his qualifications?

Mr. S. C. Sen: As regards qualifications it is not easy to determine them, but that question I think will have to be debated in this House.

Mr. M. A. Jinnah: What are the views of the Government?

The Honourable Sir Nripendra Sircar: When the matter was before the Select Committee, a suggestion was made that he must have the qualifications of an actuary. I opposed it then, — I hope I am not committing a breach of privilege by disclosing the proceedings of the Committee — because I was under the impression that the Government Actuary — and we have one — would continue and I thought we need not have two actuaries. I now understand that if insurance work is transferred from this Actuary there will be no justification for keeping him as full-timed servants and the view of the Government at the present moment is — and I think if no one else will do it, I shall move an amendment — that the Superintendent should be an actuary.

. . . . .

Mr. Husenbhai Abdullahbhai Laljee:.........I do not know what is the underlying idea of licensing these brokers or agents. It has been laid down that they must be introduced by an insurance company. When we go into details, I am afraid I shall have to point out, — I am not speaking of Chief Agents, — that these agents are asked to sign slavery bonds, and once a company recommends say me or my son, it is not common that the same company may withdraw recommendation if we went to some other company and did business. Why do you want all this?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I ask one question? Is not in some cases the agents' commission greater than the premia?

Mr. Husenbhai Abdullabhai Laljee: If the assured wishes to pay the broker, he may, but the commission cannot be more.

Mr. M. A. Jinnah: It is not a question of wish, but is it not a fact? They do pay many of these agents.

Mr. Husenbhai Abdullabhai Laljee: There is a difference between the Chief Agents and the ordinary agents. If some people want to give them money, it is their look out, but it is laid down that unless the premium is paid by the insured to the company, the policy would not hold good and, therefore, you ought not to pay to the person the premium who canvasses the business unless you know he is honest. In some cases the insurance companies have declined to accept the assured honest claims on the ground that they have not received the whole of the premium money......

. . . . . .

Mr. M. S. Aney:..................Now, Sir, after discussing this question of investment, which has been made an impracticable one under the present Bill, I came to the question of Managing Agents. So far as that question is concerned, we find that this House has agreed to the necessity of abolishing the system of Managing Agents in the matter of insurance companies also. That is again a common ground between the Members on both sides of the House. The question is whether it has to go within three years or within ten years. This matter will have to be judged very seriously, in my opinion. I am not a friend of any Managing agent although my Honourable friend, Mr. Jinnah, will be reminding me and has already reminded me outside the House that I have voted for the retention of the managing agency clause and the managing agency system while the Indian Companies Bill was under discussion. I thought I had done the right thing then.

Mr. M. A. Jinnah: What are you going to do this time?

Mr. M. S. Aney: Just hear what I am going to say. The point that I want the House to consider is this. In the report that has emerged from the select Committee certain financial responsibilities are created and the companies are called upon to shoulder them. If these financial responsibilities are not satisfactorily fulfilled, there are provisions in this Bill by which it is possible to cancel the registration of these companies......

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I hope I shall not be accused of flattering anybody in this House if I were to say that I think the House does recognise, and recognise very rightly, the enormous labour and pains and trouble which the Law Member has taken in framing this Bill. I appreciate also the labours of those who have assisted him and I think we are grateful to the members of the Select Committee of having rendered very great services in the shaping and framing of this Bill. Sir, in the question before the House, we have got a variety of interests. We have got the foreign companies, the British companies, what I may call the old or the larger Indian companies, and the smaller or young Indian companies, and we have got to think of the shareholders, and, above all this, the most important body, whose interests we have got to consider first and foremost, are the policy holders. It is the policy holders who have got to be protected, and if I may use the language of an article which appeared in a publication which is called the "Young Messenger of India", I would say that I was rather struck with a few things which I read there. This is what it says:

> "It occurs to few people that the huge assets built up by our insurance offices have mainly come from the sweated, hard earned savings of poor people and not from the capital contributions of shareholders. The interests of shareholders and managements are infinitesimal constituting only a petty fraction of the great stakes of policy holders."

This is a very complicated Bill indeed, and it is the first effort that has been made in order to see that the policy holders get their money's worth in this growing and fast developing business. Now, one thing which I want to bring before this House is that in this House and outside there are interested parties. The foreign companies will tell you a good many things. The British companies and their champions will tell you a good many things, and so would your own people. The Indian companies will also tell you a good many things. There seems to be a triangular or, if you like, a quadrangular fight. The Indians in the name of encouraging and fostering Indian national insurance business in this country, will try to put difficulties in the way of the foreign and British companies, and, in the name of patriotism and national business, they will try to seriously prejudice the smaller companies, the younger companies, nay, may seek their extinction. We have got to guard against that. I refused to see anybody before I came to Simla. When I came to

Simla, my experience has been that all sorts of stuff is put in front of us, and, after all, you are human, and you have no data to contradict it. A great deal of what is put before us is very misleading and very convincing *prima facie*. I want the House, therefore, to be very wary before it swallows these things. Take one example. We have been told that clause 26 is really a clause which, if adopted, would mean that the insurance companies would have to sell their tables and chairs in order to realise that sum, so as to comply with the terms of that clause. Even just now, when my friend, Mr. Aney, was speaking, my friend, Sir Cowasji Jehangir, said "You have to sell your tables and chairs in order to comply with that."

Sir Cowasji Jehangir: That is the strict interpretation.

Mr. M. A. Jinnah: Read it again. You are a Director of an insurance company. The Leader of the House made the matter quite clear. Reserve liability means a sum equal to your liability to meet the policies which have matured or which are outstanding and which will mature. It is not "life fund", or total assets. I have asked for the figures repeatedly, and I challenged any insurance company to produce them to satisfy me that this clause will mean that they will have to sell their chairs and tables, and, may I say, their cigars and cigarettes on the tables also. I shall be the last person indeed to put any difficulties in the way of the insurance business in our country. Believe me, whether it is a foreign company or whether it is a British company or whether they are our own nationals, I shall be the last person to take advantage of any measure which is likely to strangle any one of them or to be unjust or unfair to any one of them. Of course, so far as the foreign companies are concerned, the justice and the fairness can only extend at the most on equal terms. We can give them nothing more. But to exaggerate things and to mislead people does not really serve their case at all. My mind is still open, and I shall certainly stand corrected if I find that this sum which is fixed, to be invested, namely, a sum equal to the liability of the company for the matured and the outstanding policies, would be injustice to any one.

The next question is about this agency. Well, Sir, I have listened to the Daniel and came to justice, the Leader of the Opposition. Mr. Deasi was so tender, his heart was so soft, and he said: "At least deal with these bloated agents with justice and mercy, and allow their inequitous agreements to continue for five years more." But, may I ask him, where is the justice and where is the mercy? I think every person ought to consider this question and I think I can quote to the Honourable the Leader of the Opposition the opinion of Mr. Munshi, who is a Congress Minister in Bombay and who was the Chairman of an Insurance Company. May I draw the attention of the Leader of the Opposition to what he says and what his views are about the agency agreements?

Mr. Bhulabhai J. Deshi One might differ even from Mr. Munshi.

Mr. M. A. Jinnah: But I cannot understand the Leader of the Opposition advocating the preservation of vested interests based on bargains.

Mr. Bhulabhai J. Desai: Who ever said that? On a point of personal explanation, Sir. It is an utter misdescription of what I said. I first said that the managing agencies are to go: I next said that the only questions for what life they are to remain. There is no question of vested interests.

Mr. M. A. Jinnah: I know the Honourable the Leader of the Opposition is very versatile; he is very illusive. What does he mean when he asks to give these agency contracts a further life of five years and when he says: "In the name of justice and mercy, do not be hard on them: do not take away their vested interests or rights under the contracts." To begin with, it is not a question of expropriation, and my Honourable friend may even go to the length of subscribing to the policy of expropriation when it suits his purpose.

Mr. Bhulabhai J. Desai: The contract is there.

Mr. M. A. Jinnah: That has nothing to do with expropriation. But I do subscribe to the principle that no unconscionable bargain should be sanctioned. It is a very different thing from saying expropriation and it is a very different thing to saying that unconscionable bargaining should be set aside. Therefore, it is no use pleading on the grounds, that this is a monstrous doctrine of expropriation or confiscation, do not touch the question before the House in this Bill. Is it a right thing to do? That is the only question. Now, Sir, I shall read what Mr. Munshi says. He says this:

> "This only leads to the vexed question of managing agency. In spite of my having closely followed the argument in favour of retaining the managing agency system, I confess I have remained unconvinced about its absolute necessity in life insurance and banking companies. In an industrial concern the managing agents have year after year to pledge their personal credit to finance it (which the insurance agent has not got to do), but there is no such thing in a life insurance company except the first few years if the company has been started without adequate funds. (Now, we want to put an end to companies starting without adequate funds.) Experience shows that life insurance companies do not come to grief merely because they have no managing agents to feed them artificially during their early years. Of the 8 companies that have completed a new business exceeding one crore each during the last financial year, only three were without managing agents in their early career. An analysis of the companies which

> have been floated recently will show that it is mainly the love of the managing agency commission that has brought them into the existence."

Therefore, as I said, there is absolutely no room for justice, and certainly not, for mercy for these Managing Agents, Just imagine, what amount they are drawing, and for doing what? To begin with, they have got the Hitlerian powers and have domination and control and are drawing huge commissions. I think the Law Member promised us that he will give us all the details.

The Honourable Sir Nripendra Sircar: I will.

Mr. M. A. Jinnah: I hope the Honourable Member will give us all the details. I want the Honourable Members to realise that some of them are drawing as much as Rs. 1,60,000 a year. And may Honourable friend, the Leader of the Opposition, says: "Give them a lease for five years to draw this Rs. 1,60,000 per year". This is certainly an unconscionable practice and cannot be supported or sanctioned.

Mr. Bhulabhai J. Desai: Why don't you go to a court of law and set it aside?

Mr. M. A. Jinnah: Because we are here to put an end to them. Why should we go to court? The courts only administer and interpret. We are responsible for making laws.

Mr. Bhulabhai J. Desai: Then, you are doing it unjustly.

Mr. M. A. Jinnah: We are doing it justly, because we say it is unconscionable, and this Assembly is the highest tribunal to make the law. This House makes the laws, and we want to put an end to this unconscionable practice very soon and also the special pleadings are put forward on the floor of the House. That is the position. Therefore, I am against this system of managing agency.

Mr. S. Satyamurti: Will you vote for its going tomorrow?

Mr. M. A. Jinnah: Yes, I will vote for its going tomorrow if my Honourable friend will follow me with his Party behind him.

Mr. S. Satyamurti: We will consider that.

Mr. M. A. Jinnah: You had quite long enough time to consider and you have poured over the matter midnight oil for several weeks. You must make up your mind quickly and now, so far as this managing agency system is concerned. But clause 10 in the Bill has gained even the soft heart of the Leader of the House, the Law Member in charge of the Bill. He has also somehow or other been softened a little bit, and, probably, owing to the powerful arguments of my Honourable friend, the Leader of the Opposition.

Mr. Bhulabhai J. Desai: No, not at all. The original Bill was not mine. Three years are there.

Mr. M. A. Jinnah: It is now, therefore, accepted in the Bill, as it has emerged from the Select Committee, and the Bill gives a lease of life for ten years to the managing agents. Although the Bill gives the lease of life for ten years, the monstrous, bloated remuneration is cut down to not exceeding Rs.2,000 a month. At least it is some relief to the poor policy holders whose description I have given you, and that they will get a little more, and these bloated agents will cease to bloat any further. My position with regard to this is that I am absolutely opposed to managing agencies in any shape or form. It is, of course, not in my hands, it depends upon the vote of the House. But so far as I am concerned, I should like to put an end to this managing agency system, but I shall not be prepared, under any circumstances to go beyond the clause as it has emerged from the Select Committee.

The next question of importance before the House is with regard to the definition of an Indian insurer. Sir, it seems to me that the only object of that definition of 'Indian insurer' is with a view to securing re-insurance with Indian companies by the foreign companies.

Mr. Bhulabhai J. Desai: There are two objects, one is to secure reinsurance, and the second is to distinguish between those two insurers for the purpose of investment.

The Honourable Sir Nripendra Sircar: That has not been done in the Bill.

Mr. S. Satyamurti: It will be done in the House.

Mr. M. A. Jinnah: I cannot enter into the mind of my Honourable friends, nor do I know as to what is in their mind!

Mr. Bhulabhai J. Desai: That mind was expressed here a few moments ago.

Mr. M. A. Jinnah: But the Honourable Member must remember that I am dealing with the Bill as it has emerged from the Select Committee and as it is before the House. Whatever may be his proposal outside the Bill, that will be considered as amendments, and then we shall deal with it. At present I am dealing with the Bill as it stands. The definition of "an Indian insurer" is really there, as I said, to get ten per cent. of re-insurance in the Indian companies. I can assure the House that I shall never lag behind any one of the Honourable Members here in doing all I can, to the utmost of my capacity, that our nationals and our Indian companies should have the best conditions at our hands in our own country.

An Honourable Member: What about Zanzibar?

Mr. M. A. Jinnah: About Zanzibar you of the Congress Party were all misled.

Sir H.P. Mody: Zanzibar should be run by Managing Agents.

Mr. M. A. Jinnah: You were there again speaking for vested interests. I do not want to introduce any heat in this debate, time alone will show that I am right. The position is this. We are entitled to pass any measure we like. We have got the power, we have got the majority, we can do so. But it seems to me that whatever we do, the question still stands thus. First, we have been told and told with all the responsibility behind it by the Honourable the Law Member in charge of the Bill that, if this clause is retained, then the position will be that the Bill will have to be submitted for His Majesty's signification of pleasure or assent. What is the benefit that we are going to get out of it? Of course, if we can get any advantage, I am with the House in thinking that this clause should remain. I am told that we will get 75 lakhs. But that is not the question. I put it to you quite plainly, if we pass this Bill with this clause, the Bill will be held up. That I am not afraid of. There can only be two consequences, firstly that His Majesty's pleasure is signified against the Bill, that is one possibility; the other possibility is that it may be in favour of the Bill. But that does not put an end to our trouble. The question still remains as far as the British companies are concerned. I perhaps misunderstood, what the Honourable the Leader of the Opposition said. He could not have said that this House can decide the question. The question msut be decided by a court of law, namely, whether, notwithstanding this Bill being passed into an Act and *vis-a-vis* or along with the Government of India Act, whether the British companies are not still Indian companies. That is the question that this House cannot decide, because that is a question of interpretation of two Statutes, and we have no power or authority to repeal an Act of Parliament. So, the Act of Parliament is there the Act of this Legislature will be there when passed, but still the question will be whether, on the true interpretation and the true construction of the law, the

British companies are Indian companies or not? The whole business will be hung up until this question is decided. The question may be taken even to the Privy Council. I am sure, it is bound to go there. I want to be practical. I express no opinion on the question, but I find that sections 111, 112, 113 etc., are there in the Government of India Act. It is no use merely saying that these monstrous sections have been enacted against India, and I do not want here to talk about the Round Table Conference. But let me tell the House that there was nobody else in that Round Table Conference who had the courage to go against this proposal except myself. Every one of your leaders there....(Voices from Congress Party Benches: "Not our leaders; our leader is Mahatma Gandhi"). Please do not provoke me; even Mahatma Gandhi did not take exception to it. Go and read the proceedings. He was there at the Second Round Table Conference.

Sir Cowasji Jehangir: Sir, may I make a personal explanation? If the Honourable Member will read our speeches, he will find that we took strong exception to these clauses. And I will remind him of my speech at the Third Round Conference where I warned Government that these discriminatory clauses would do more harm to English interests in India than anything else in the whole of the Act.

Mr. M. A. Jinnah: I am fully aware of the platitudes that were talked by some gentlemen there. I am talking of the First Round Table Conference. (Voices from Congress Party Benches: "We were not there; Mahatma Gandhi was not there.") Kindly listen to me. Take it from me that I am not in the habit of making incorrect statements; and I challenge you to look at the records. In the first Round Table Conference, there was not a single man....

Mr. S. Satyamurti: We were not there.

Mr. M. A. Jinnah: Will you have patience? In the

Second Round Table Conference, Mahatma Gandhi was there, and he never referred to this matter or opposed it.

Mr. S. Satymaurti: He opposed the whole Constitution; you went on co-operating.

Mr. M. A. Jinnah: You have accepted the Constitution even now and are co-operating now. You look up the records. It is no use discussing that now.

Now, the question is have you any way of getting out of it?

Mr. S. Satymaurti: Yes, join the Congress, and get out of this Constitution. You won't do it. (Laughter)

Mr. M. A. Jinnah: You join hands with the Muslim League.

Mr. S Satyamurti: Will you take me into the Muslim League? I am not a Muslim.

An Honourable Member: You embrace Islam.

Mr. M. A. Jinnah: No Pact and coalition is open to you on honourable terms. Do you want to tie yourself into a knot again now? That is the question you have got to consider. And, I think, as the Law Member said very rightly, that even now today, according to his opinion, he has made calculations, and there are exaggerations on both sides. One party says that the voluntary re-insurance is not more than 2½ or 3 per cent, and the other party says it is 8 or 9 per cent. But taking the mean it is 5 or 6 per cent. Here I appeal to the Leader of the Opposition to become a practical man and less of an idealist.

Mr. Bhulabhai J. Desai: I agreed to drop it.

Mr. M. A. Jinnah: Do you want a gentlemen's agreement or do you want a bludgeoning clause?

Mr. Bhulabhai J. Desai: I wanted a gentlemen's agreement; if that is not forthcoming, I have plainly agreed, if my language is intelligible, that the clause must be dropped so as not to hold up the Bill.

Mr. M. A. Jinnah: If so, I have nothing more to say. If you want a gentlemen's agreement, you should not have started with the white and brown arguments. A gentlemen's agreement is not brought about by asking a person to do something for you when it suits you and abuse him when it does not suit you.

Mr. S. Satyamurti: Ask De Valera; he got the agreement all right.

Mr. M. A. Jinnah: This does not accelerate; it will slow down the pace. The next thing is this. It is more a matter of administration, but what is the best thing to do with regard to these deposits? I should most respectfully draw the attention of the Law Member to the fact that there are tw , ways in which you can give some help, and it will be less of hardship on the smaller companies. Either you extend the seven years to ten years; or, if you want to keep the seven years, then make it first Rs.25,000 for the existing companies and Rs. 50,000 for the new companies, and the balance of one lakh and 50,000 by progressive instalments on a graduated scale. That is the suggestion which I put before the House. Then, with regard to investments, my Honourable friend. Mr. Aney, will forgive me if I differ from him and differ rather emphatically. Mr. Aney said that 33 per cent should be enough. This means a security which would be there and forthcoming to meet the liabilities of the policy holders which have become mature or which will become mature. It is a security; they have paid their money, remember that. Now, I ask Mr. Aney, supposing I went to Mr. Aney with a security of 33 thousand and asked him to give a loan and advance to me, a lakh of rupees, will be do so? (Interruption from Pandit Krishna Kant Malaviya.) If my Honourable friend, Pandit Krishna Kant Malaviya, went to the Bombay markets and said, "I have got 33 per cent, security; and on that give me 100 per cent." He will be shown the door at once. That is exactly the position. Therefore, as to the quantity, I am not prepared to yield, but as to the character or the nature of the investments, it is a question that requires careful consideration.

Mr. M. S. Aney: I have only stated 33 per cent, which applies to investments in securities mentioned in this particular section I quoted.

Mr. M. A. Jinnah: I want a sum equal to the liabilities. That is the quantity. That must be the full amount of the Reserve Liabilities. The next question is, in what securities that sum should be invested. And there I do feel that the Bill requires that the whole should be invested in approved securities only. There are many reasons, which I do not want now to put before the House, but there are many reasons, one particular reason being that the insurance company must be allowed to invest their funds in such investments as well bring, consistently with safety, the largest return which will be undoubtedly in the end for the benefit of the policy holders. Therefore, if you restrict them to approved securities, you are really restricting them in earning a better income, and it can be done or met without prejudice to the security of the policy holders. I do not make a definite proposal, but I do think that the other sources of investment should be included over and above the approved securities - say 1/3rd approved securities, a portion, say, 25 per cent, or 1/3rd in mortgages or other trust securities, and the remaining 1/3rd may be in such other investments as the Superintendent, who is all in all, may approve of. That is a matter that requires very careful consideration.

Now, I come to the Superintendent. I have been thinking about the Superintendent. I was very glad that, in answer to my question, the Honourable the Law Member said that he will be a qualified actuary. But I would like the

Government to consider very carefully: remember his powers. He has got very wide powers; some powers are so wide that he can make or mar a company; and I really believe, however able and however experienced the officer may be, – I hope the Law Member will agree with me, – that it is too much to leave all these powers in the hands of one man as the final arbitrator in all matters. I would, therefore, ask the Honourable the Law Member to consider whether at least in some vital matters there should not be another tribunal to revise at any rate findings of a serious character that he may arrive at. At present I do not wish to make a concrete proposal, but I do ask the Government to consider it.

There are certain points with regard to these retaliatory clauses. I subscribe whole-heartedly to the principle of retaliation. I believe in a tooth for a tooth and an eye for an eye, provided it does not kill me, provided I can do it. And this is a matter in which we can do it to a certain extent, and, therefore, I am wholeheartedly in favour of that principle. But there are one or two things which struck me, and I only want an explanation and no more. You will find in clause 3(3), the original clause had the words "company incorporated in British India": those words have been dropped, and the words "Indian nationals" have been put in. What does that exactly mean? I do not know and I would like to understand the history why the original words have been dropped and the new words substituted. Then, there is another point, and that is clause 53: the words in that clause are:

> "Where by the law or practice of any country outside India in which an insurer carrying on insurance business in British India is constituted, incorporated or domiciled, insurance companies incorporated in British India are required as a condition of carrying on insurance business in that country to comply with any special requirements whether as to the keeping of deposits or assets",

that is to say, if there are any special requirements of any other country which require our companies to comply with those special requirements as to deposits or assets, then we shall have to impose similar terms up on them; but the clause goes further and says "or otherwise": what does that mean?

Mr. Bhulabhai J. Desai: Which is not imposed by this Act.

Mr. M. A. Jinnah: I do not think you appreciate my point properly. I would like the Honourable the Law Member to explain to me, and I hope he will be good enough to do so.

The Honourable Sir Nripendra Sircar: I shall deal with it in my reply.

Mr. M. A. Jinnah: I am sorry that I have taken more time than I intended to do, but in conclusion I can assure the House and the Government represented by the Law Member that, so far as my Party is concerned, we are willing to give every assistance that we can to the best of our ability and judgment, to produce a Bill which will be a sound piece of legislation which will justly and fairly protect all the interests according as they deserve, and advance and encourage our Indian companies and develop the business in a sound and beneficial manner to the policy holder.

. . . . . .

The Honourable Sir Nripendra Sircar: ....If a person occupying the position of Managing Agent calls himself manager or managing director". That is the only addition. That is to say, for the purposes of section 27, that is intended to restrict the use of Managing Agents, we have added the words, for a limited purpose, to rope in the managing director because we do not want a managing director, who *de facto* is Managing Agent, to get out of this clause simply by choosing not to accept the name of the Managing Agent but to call himself managing director.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Or *vice versa.*

The Honourable Sir Nripendra Sircar: That is the only change, the addition of the words "managing director".

Mr. Akhil Chandra Datta: I do not oppose it, but is not that covered by the definition already in the Companies Act? I am afraid this is redundant.

. . . .

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in sub-clause (12) of clause 2 of the Bill, the following be added at the end:

> 'under the control of an Indian Insurance Council, consisting of members nominated by the Provincial Governors one from each province, and the Governor General in Council, so long as the Federal Assembly is not established'."

The Honourable Sir Nripendra Sircar: Sir, I oppose all amendments about Insurance Boards for this reason. If the House thinks that too much power has been given to the Superintendent, I will not object, in suitable cases, that his decisions should be subject to revision by the appellate authority of Court, but if we accept this amendment, it will be simply unworkable. If the House will consider the nature of the work of the Superintendent, that is to say,— he has to look into hundreds of insurance offices, and their accounts; then questions will arise as to whether a particular form has been complied with or not, whether the life fund is up to the required amount or not, and many other things he will have to look into, — and so, as I said, if the House will consider the multifarious duties of the Superintendent, and if they think that you require an Advisory

Board to sit round a table, administration will be simply impossible. On the other hand, I quite realise the desire of some section of the House that they should have some kind of appellate authority to control a man with such large powers when necessary. When the amendments come up, if any Honourable Member thinks that some of the sections give him too much power, I shall have no objection to accept the proposal of an appellate Court, but if it is held that there should be a Board like the one suggested here consisting of members or representatives of different provinces, the Governor General in Council and so on, that is not a thing which will help the daily administrative work of an officer who has been placed in charge of the affairs of Insurance Companies. Nor do I think it would be conducive to expedition or to satisfactory results being achieved.

Mr. M. A. Jinnah: That is one of the points which I urged on the Honourable Member, namely, the powers of the Superintendent are very wide, and, therefore, I made the suggestion, when I was speaking on the consideration of the Bill, that Government should really consider whether certain other tribunal should not have the power, either appellate or revisional, to whom an appeal can be made by aggrieved parties. For instance, there is in the Bill a section which says that if the Superintendent orders inspection after certain investigation and so on, and then if the company or the insurer is aggrieved, he can apply to the Court against that order. Have you provided for that particular thing? I should like the Government to seriously consider this. I really expected that the Honourable Member in charge of this Bill, who understands this Bill better than anybody else in this House, would provide for this. Really I would ask him to apply his mind and provide some sort of appellate or revisional power to whom appeals can be made against the order of the Superintendent, I don't say in all cases, but in matters of a very serious character.

The Honourable Sir Nripendra Sircar: I must make my position clear. Government are not only considering, but they will be quite prepared to accept power of appeal being given to the Court in certain cases......

.....

Mr. N. M. Joshi:...........................If we really want public servants to take to public service on smaller salaries, let us, as I have suggested, begin that process with the other people who are drawing very large salaries and their incomes are very large. I, therefore, oppose this motion.

Mr. S. Satyamurti: I am not surprised at the Honourable the Leader of the House opposing this amendment, but I am rather surprise at the "statutory labourer" and a distinguished *ex*-Congressman opposing the amendment.

Mr. M. A. Jinnah: You are going wrong.

Mr. S. Satyamurti: We are not going wrong, but it is you who are going wrong and you are so vain that you do not realise that you are going wrong and you always say that others are going wrong.

... ...

Mr. S. Satyamurti: I know the argument of the Honourable the Leader of the House is the most valid one that can be advanced against it. He said that you cannot get a qualified Indian actuary on Rs.500. I say, Sir, that we have more faith in Indian human nature than he seems to have.

Mr. M. A. Jinnah: Your faith is misplaced.

Mr. S. Satyamurti: Yes, it is in you. But, thank God, you are not the only Indian left. There are other Indians more patriotic and more resilient and more willing to respond to the appeal of the Congress have faith in human nature. I, therefore, believe, Mr. President, that although the argument of the Law

Member may be valid today, I am hoping that when this Legislature votes this salary, there will be at least one Indian actuary, willing and competent, who will accept this salary. We must make that attempt. If the Law Member comes and tells us later on that he cannot get anybody on Rs.500, we will consider that.

Mr. M. A. Jinnah: You will amend the law then.

Babu Baijnath Bajoria: The Act will remain suspended for the time being.

Mr. S. Satyamurti: The Act need not remain suspended .

Babu Baijnath Bajoria: There will be no Superintendent.

......

Sir Cowasji Jehangire:....... we are talking of a man who comes here to earn his living. He does not come to perform patriotic service. Please do not confuse the two things. Patriotic service is service, as Servants of India, at Rs. 75 a month. I can understand that. There are not many who would undertake such service on Rs.75 a month. Therefore, I should remember this debate in future and I shall act up to it if I can.

Mr. M. A. Jinnah: Not with me.

Sir Cowasji Jenhangir: There is a distinguished surgeon amongst us here. He does not perform operations for nothing. He might talk here of scalps, but when he does that in his professional capacity, he takes jolly good care to see that he gets his proper dues.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): If I could get you, I shall do it free.

Sir Cowasji Jehangir: Therefore, let us face realities, and leave this kind of talk to public platforms. Here we are transacting business. We are not here to canvass votes. Perhaps, when I am also out to canvass votes, I might exaggerate sometimes, but here on the floor of the House, we are transacting business and not canvassing votes; let us, therefore, face realities and talk sense.

......

Mr. Sri Prakasa: ....Sir, a suggestion has been made to me that there should be an additional proviso to this something like this:

'Provided, however, that a copy of the notice to the Superintendent is published in such newspapers as may be prescribed by the rules.'

If, Sir, you will permit me to add these words, personally I have no objection to add them; and if the matter is made clearer thereby........

Mr. President (The Honourable Sir Abdur Rahim); Objection has already been taken more than once to amendments of this kind being suggested on the floor of the House. I really cannot allow any more.

Mr. Sri Prakasa: Then, I will adhere to the wording of my own amendment, which I myself prefer without any further additions.

Mr. M. A. Jinnah: What is your meaning?

Mr. Sri Prakasa: I shall explain again. The purpose of the Act is that there should be greater control over Insurance Companies. The suspicion is that insurance companies which do not start with sufficient capital are likely to let down the policy-holders in whose interests also they should function. There are many insurance companies which might find themselves in hot waters after this Act is passed......

.....

Mr. Sami Vencatachelam Chetty: Sir, I suggest that the next three amendments, i.e., Nos. 67, 68 and 69 may be taken up and discussed together as they relate to the same subject.

The Honourable Sir Nripendra Sircar: May I venture to make a suggestion? The three amendments are whether the fees should be Rs.25, Rs.50 or Rs.100. Moving them separately and having separate speeches will be rather a waste of time of the House.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What are you prepared to accept?

The Honourable Sir Nripendra Sircar: Of course I prefer Rs.100 to Rs.25.

Mr. F.E. James: Sir, I move:

"That to sub-clause (2) (f) of clause 3 of the Bill, the words 'which shall not exceed fifty rupees' be added at the end."

This is a very small amendment, and I shall make a very small speech......

......

The Honourable Sir Nripendra Sircar: Our idea is to put that as (l) after section 88 so that there is time yet.....

Mr. M. A. Jinnah: I would prefer that.

The Honourable Sir Nripendra Sircar: That being so, I see no reason whatever why a discretion should be given to somebody as to whether this should be put into operation or not. If any wrong has been done by the Superintendent, the idea is, and I am quite sure the House will agree with me, later on, to give a right of appeal to go to the court, and there is no reason why a matter of this kind should be left to the discretion of anybody. Sir, I oppose the amendment.

Mr. L. C. Buss (Nominated Non-Official): Sir, I rise to support the amendment proposed by my friend, Dr. Ziauddin Ahmad. I do so not because we here have any desire to interfere with the right of the Indian Legislature to take action against countries who legislate against India, but because the clause, as it stands, is far too wide. In particular, I support very strongly the re-introduction of the permissive principle because I feel that the Superintendent of Insurance should have discretion to consider whether, for example, a case arising out of the provisions of clause 53 is important or it is merely technical or trivial. Take again a case where an individual residing abroad is involved in some case of moral turpitude and is turned out of the country. In such a case it would, as the clause stands in the Bill, be obligatory to take action against all insurers of that country operating in India by refusing or cancelling their registration....

Mr. M. A. Jinnah: Give an instance of moral turpitude.

Mr. L. C. Buss: I will deal with it later. It does not even appear necessary that the individual concerned should have any connection with insurance or contemplate becoming an insurer. It would be sufficient to bring insurers of that country working in India within the scope of clause 3(3) if the individual to whom I have referred above was in the position of being debarred from doing insurance business they by being turned out of the country, or to carry it a step further by being incarcerated in jail, and, therefore, incapable of carrying on such business. That, Sir, is the position as I see it, and I have no doubt a situation of this sort was not contemplated when the clause was amended by the Select Committee. I, therefore, strongly support the amendment of my friend, Dr. Ziauddin Ahmad, which, I consider, fully meets any situation which is contemplated by the clause.

.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I understand that if some satisfactory amendment is made to section 26, then this definition may not be insisted upon – that is how I understand. May I then suggest to the House and to the Leaders of the various parties that it will be better if a few of us should meet and see whether we can produce or draft a settled amendment between ourselves? If that course is adopted, I think it will facilitate the work, and if the amendment drafted is acceptable to all the parties, then the work is done.

The Honourable Sir Nripendra Sircar: I am quite willing to meet all the parties and help to try and find out if we can come to some arrangement; but I was providing for the possibility – let us hope a remote possibility – that after we meet no solution is found. Then this definition comes up. It is either retained or it goes out: and I am asked to move my amendments on clause 26: I do not know what language to use. I shall do my best: I shall meet the Leaders in conference and try my best to come to an arrangement; but if that fails, all that I want is that I may not be asked to move my amendments then and there after this thing has been taken up. After all a day's delay will not matter: there are other sections, following section 26: we have got various controversial sections after 26.

.....

The Honourable Sir Nripendra Sircar: The word "life" has gone out as a result of amendment.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I say a word on this subject? It seems to me that there is a tremendous rivalry for each Honourable Member to see that this amendment gets into the Bill. I do not want to fight for any amendment. What I want to suggest is this: we have been saying for a considerable time, in the course of the discussion, that this clause which allows for seven instalments should be modified. One suggestion was that it should be ten instalments. Now, another very important suggestion has been made that there might be ten instalments but with regard to the first deposit of Rs. 25,000, within three months, this should be transferred to the first instalment, viz., giving them one year: instead of three months give them one year for the first instalment: the remaining instalments to be spread over nine years — making ten years in all. Therefore, would it not be more advisable that the office should draft the amendment on that basis, giving effect to this expression of opinion? There may be a difference that the first part, namely, the first deposit within three months should be kept. So, if the alternative amendments are drafted by the office, which will be much better, and presented to the House, then both these amendments can be disposed of by the House on their merits.

Mr. President (The Honourable Sir Abdur Rahim): There are several amendments before the Leader of the House and I do not know that he is prepared to accept any of them.

.....

Mr. M. A. Jinnah: Sir, this amendment does not cover the point which I mentioned; this lays down that you must pay the first instalment before the application for registration: Whereas, the point that I put before the House is this: that the first instalment will not be paid for a year. It does not meet that point and I certainly would like that portion also should be before the House and I would like the verdict of the House on that.

Mr. President (The Honourable Sir Abdur Rahim): Is that point covered by Mr. Essak Sait's re-draft?

Mr. M. A. Jinnah: Yes, that is covered.

Mr. President (The Honourable Sir Abdur Rahim): Then that also will be considered. Will Mr. Essak Sait have his redraft circulated to Honourable Members by 2-30?

Mr. H. A. Sathar H. Essak Sait: No, Sir: I cannot do that: if the office does it, it would be all right.

....

The Honourable Sir Nripendra Sircar: I should draw my Honourable friend's attention to sub-clause (10) which says:

> "The insurer may at any time, and if the Reserve Bank of India requires him to replace securities maturing for repayment shall, substitute for securities lodged with the Bank under this section other approved securities of equal value at the market rate prevailing at the time of substitution."

So that he may at any time change the securities. But when drafting clause 26 the matter still requires a further clearing up I shall be very happy to accept any amendment for that purpose. And I can give an assurance to the House that what I have stated to the House today I intend carrying out in the draft of section. 26.

Mr. M. A. Jinnah: It seems to me that we have not examined this thing in all its aspects. An insurer who is going to deposit the amount of the deposit that is required has got the option to do so in Government securities. Now, we are told and rightly told by my Honourable friend, Mr. Sri Prakasa, that if you buy Government security and deposit it, there is, no doubt, a chance of fluctuation. But the chance is both ways, that is to say, in favour of the insurer if the market goes up, and against him if the market goes down. But surely you cannot earn a substantial rate of interest without taking that chance. You cannot say that you won't take any risk at all. It may be against you or it may be in your favour. You cannot say "I want my 100 per cent back and then I want the highest rate of interest". That is not possible. He has got the option. If he wants cent per cent of his capital back, and if he wants to earn a reasonable rate of interest, there are the treasury bills, which, as has been pointed out by the Leader of the House, is approved security. The third thing is, why not deposit this money in other banks, which do give interest. It may be small, but some interest is given and why force us down to the reserve bank which gives no interest? Here the argument no doubt may be a very good one if you were dealing with it as a commercial proposition, but you have already passed sub-clause (1) of clause 6. It reads thus:

> "Every insurer, not being an insurer specified in sub-clause (c) of clause (8) of section 2, shall, in respect of the insurance business carried on by him in British India, deposit and keep deposited with the Reserve Bank of India in one of the offices in India of the Bank for and on behalf of the Central Government cash or approved securities."

Now, the moment you have passed his clause, the Government are precluded from paying this money anywhere else except in the Reserve Bank, and the Reserve Bank does not give any interest. I think there is not that strong ground on behalf of these insurers, because several methods are open to them to invest their money, like treasury bills, government securities, approved securities, and so on. It is no use exaggerating it merely on the ground that the rate is liable to fluctuate. The fluctuation may be in your favour and then you can turn to other securities. It is, therefore, too late to say that we should start a schedule of banks, and so on. That shows an entire misconception of the position. What I suggest is that all these amendments should be withdrawn, and when we come to clause 26 – and here I entirely agree with the Leader of the Opposition – the deposits whether they are in cash or other securities should be taken into account, and whatever percentage you may fix in clause 26 should be included for the purpose of a security in the reserve liability. That is a suggestion which can and ought to be taken up, and I would again request the Movers not to press these amendments.

Mr. Deputy President (Mr. Akhil Chandra Datta): I should like to know whether the Movers of these amendments would like to withdraw them. If they do, it may not be necessary to find out which is the most comprehensive one.

The amendments were, by leave of the Assembly were, withdrawn.

....

Mr. Deputy President (Mr. Akhil Chandra Datta): The order in which they are moved does not make any difference.

Mr. M. A. Jinnah: But why should the order of amendments be changed?

Mr. Deputy President (Mr. Akhil Chandra Datta): I want to be satisfied whether it will make any difference as to the result of the amendments.

Mr. M. A. Jinnah: I rise to a point of order. Why should the order of amendments be changed?

Mr. Deputy President (Mr. Akhil Chandra Datta): It has not been explained to me that the order of amendments is of any consequence. (Mr. M. A. Jinnah and Mr. F.E. James: "It is.") I gave an opportunity to the Honourable Member to explain it but he has not explained it. In view of the fact that nobody has yet been able to explain to me as to how the order in which the amendments will be moved will make any difference and also in view of the fact that I have already called upon Mr. Satyamurti to move his amendment, I will ask him to move his amendment.

Sir Cowasji Jehangir: I rise to another point of order. If an Honourable Member is in possession of the House, can the Chair allow another Member to speak at the same time or give him precedence over the Honourable Member who is in possession of the House?

Mr. Deputy President (Mr. Akhil Chandra Datta): If one Honourable Member is in possession of the House, no other Honourable Member can be allowed to speak until he finishes. But the position here is quite different. As a matter of fact, so far as the original amendment of Mr. Essak Sait is concerned, he has abandoned that. In view of that, I stick to my ruling that there is no harm in Mr. Satyamurti moving his amendment.

Mr. S. Satyamurti: Sir, I am very sorry that I have been, unconsciously, the cause of a storm in a tea pot. I may, however, explain, for your information and for the information of the House, that I was under the wrong impression that my Honourable friend, Mr. Essak Sait, had already moved his amendment. But I now find that the amendment which he now seeks to move is different from the one he moved yesterday.

Mr. M. A. Jinnah: He stands No.1. Why should you be allowed to move your amendment?

Mr. S. Satyamurti: Because the Chair orders me to move it, and I am too much of a Parliamentarian to disobey the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta): Let there be no further discussion on this point....

.....

Mr. N. C. Chunder: Then why do you fight shy of knowledge.

Mr. F. E. James: May I interrupt the Honourable Member and say that actually all the knowledge that is required is contained in the schedules today. That is an entirely different matter from the physical separation of the life fund which my Honourable friend now requires.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What do you mean? There is no physical separation.

. . . .

Mr. S. C. Sen: I trust that the Honourable the Leader of the Opposition will allow me to develop my ideas in my own way. Now, let us look at clause 12. Does clause 12 provide for the information about the valuation of the liabilities of their Indian business? I submit it does.

Mr. Bhulabhai J. Desai: Then, why don't they give it.

Mr. S. C. Sen: You are not insisting upon the valuation of Indian liabilities only. You are insisting upon the production of the valuation of their non-Indian business in order to get a separation of the life funds.

An Honourable Member: That is the point.

Mr. S. C. Sen: My point will be that if anyone is inquisitive to find out what the life fund is, the materials are there for him to find out.

Mr. M. A. Jinnah: Why not mention it?

Mr. Bhulabhai J. Desai: If it can be done, it must be done.

Mr. S. C. Sen: I submit, Sir, it is imposing a needless obligation and it will not benefit the Indian companies in the least.

An Honourable Member: That is not impossible.

. . . .

The Honourable Sir Nripendra Sircar: As my Honourable friend, Mr. B. Das, has withdrawn his amendment, may I enquire from him whether there is any real difference between his one, withdrawn by him, No. 419, and No. 421 which has been moved by Dr. Ziauddin.

Mr. President (The Honourable Sir Abur Rahim): That would not bar it.

Mr. Bhulabhai J. Desai: The reason why this was withdrawn was that the general feeling, during the course of discussion, was that whereas as regards life insurance the Managing Agents may be terminated within a period to be determined by the House — that seems to be the consensus of opinion. But as regards general business it was also the general opinion of the House that it should not be abolished and inasmuch as in Mr. Das's amendment the word was "insurer" — if he had said "life insurer", it would have been all right. That is why the amendment was withdrawn.

Mr. M. A. Jinnah: I do not agree that the general opinion of the House was that with regard to the general business they should be exempt. I thought I had made my position quite clear.

Mr. President (The Honourable Sir Abdur Rahim): It has been withdrawn and now Dr. Ziauddin Ahmad's is before the House.

Sir Cowasji Jehangir: What about the amendment of Mr. Ayyangar?

Mr. President (The Honourable Sir Abdul Rahim): It has been withdrawn and now Dr. Ziauddin Ahmad's before the House.

Dr. Ziauddin Ahmad: On a point of order, Sir.........

Mr. President (The Honourable Sir Abdur Rahim): What is the point of order?

Dr. Ziauddin Ahmad: I say that there are those three issues.

Mr. President (The Honourable Sir Abdur Rahim): That is no point of order.

Mr. M. A. Jinnah: I thought that the various amendments were being moved, so that there should be a general discussion, and, after the discussion, these amendments may be dealt with and may be put to the House one after the other.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has not followed this particular amendment. It wants to substitute "new subclauses for sub-clauses (1) and (2) of clause 27". If this is carried, amendment No.7 on List No.1 and amendment No.3 on List No.2 would fall. The point of order raised by Mr. Jinnah is that all these three amendments shall be discussed. That cannot be done, because this one is before the House. If that is negatived, then the others will be open to discussion. If this is carried, then the others will be barred.

Mr. M. A. Jinnah: But then there will be no discussion.

Mr. President (The Honourable Sir Abdur Rahim): It is for the House to negative it.

Mr. M. A. Jinnah: We want a discussion before it is negatived.

Mr. President: (The Honourable Sir Abdur Rahim(: You can have a discussion on this amendment first. That is the usual practice.

.....

Mr. S. Satyamurti:......There is no difference in principle in between the first school and the second school of thought. Both schools of thought agree that the life insurance business today has attained a stage in our country when they can do without these Managing Agents, and in the interests of policy-holders we say that the Managing Agents should go. The only question is as to what is the proper thing to do. Shall they go forthwith, or may they get two or three years more?

Mr. M. A. Jinnah: They should go forthwith.

Mr. S. Satyamurti: I know there is strong section which believes that they ought to go forthwith.

Mr. M. A. Jinnah: All agencies should go forthwith.

Mr. S. Satyamurti: I have stated what, so far as general business is concerned, is the position of several Honourable Members of this House. I shall be glad to hear the Leader of the Independent Party to tell us exactly his reasoning, and I shall keep an open mind on the subject.

Mr. M. A. Jinnah: I made my position quite clear at the time of the consideration of the Bill and I think the Honourable Member promised me that he will answer the matter and will vote for wiping off the whole of them.

……

Mr. Bhulabhai J. Desai: When I spoke for the Party, I made it quite plain.

The Honourable Sir Nripendra Sircar: I did not mention your name. But it is always a pleasing sight to see some people changing their opinions. And why should he not? It is said that so far as general insurance is concerned, the matter is quite different. Now, the largest general insurance company – I am speaking subject to correction – namely, the New India, has gone on very well without any Managing Agents. Which is the other general insurance business done by Indians that owes its financial position to Managing Agents? I submit to the House that if we have not got a sufficient footing in general business, we msut try for more business, but often the Managing Agents are parasites though not always. Let the business in fire insurance go on.......

Mr. M. A. Jinnah: Sir, I made it clear and I want to make it quite clear again to the House that I am opposed to the system of managing agency contracts for any kind of insurance business. I am opposed to it on a definite principle. That was also my position when we were dealing with the other companies under the Companies Act. The Honourable Member, the Leader of the House, said that these are parasites. They are parasites and I am really astonished that my Honourable friend, Mr. Satyamurti, should stand up and plead for these parasites. His amendment is this that these parasites should continue for three more years to bleed to the fullest possible extent.

The Honourable Sir Nripendra Sircar: In connection with general insurance, he wants them for ever.

Mr. M. A. Jinnah: I am talking of life insurance for the present. I am really astonished at his attitude. I appeal to the Congress Benches whether they are going to allow these parasites to continue for the life insurance for three years and for ever with regard to general insurance business? (*An Honourable Member from Congress Party Benches*: "There are so many parasites.") You will not, therefore, encourage at least one that is before you now and give your sacred sanction to it. I am, therefore, absolutely opposed to these managing agents.

Sir, I have to think of the second alternative, and the best possible alternative is to support the amendment of my Honourable friend, Dr. Ziauddin Ahmad. That amendment comes to this that he wants to give three years for all with a limited remuneration, because the third clause will stand. I appeal to the Congress Party to support that amendment. I would have had nothing whatever to do with even these three years – after all, that is my own personal view, my own personal opinion – if I had the majority behind my back, I will get rid of this managing agency system this very moment. But I know I have not got the majority behind me. I have, therefore, to bow before the different opinions that exist in this House. Therefore, unwilling as I am, I feel that we are reducing this evil to a minimum-point by adopting the amendment of my Honourable friend, Dr. Ziauddin Ahmad.

Mr. S. Satyamurti: It is three years there.

Mr. M. A. Jinnah: I have explained my position clearly. Surely my Honourable friend ought to have some sense of fairness after I have explained my position. I was explaining that if I had the majority behind my back, I would have nothing whatever to do with it, but here is this Bench continuing their support of these parasites for three years in life insurance.

Mr. Bhulabhai J. Desai: Why don't you point out to the other Benches?

Mr. M. A. Jinnah: Let me finish with these benches first. There is this other Bench supporting three years with limited remuneration. These are the two alternatives which you stand for. There are other opinions in this House, and I am taking all that into consideration, helpless as I am.....

Mr. S. Satyamurti: Why didn't you move an amendment?

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member not to interrupt the speaker.

Mr. M. A. Jinnah: Well, Sir, my Honourable friend, Mr. Satyamurti, cannot remain silent unless he is smitten with silence on some convenient occasions. He must always keep interrupting. He knows perfectly well why I cannot move an amendment, because my Honourable friends do not support me. You want these parasites to continue and, in spite of you, I want to get rid of these parasites as soon as I can, and, therefore, I am doing the next best, namely, agreeing to three years with limited remuneration — not lakhs, but not exceeding Rs. 2,000 a month.

Sir, I do ask this House, I invoke the sense of justice and fairness of the Congress Party, and I say that, if you do not support this amendment, you will stand condemned in the estimation of any civilised country in the world. (Applause).

.....

Sir. H. P. Mody: Sir, this is a very topsy-turvy world. Here are my friends on the Congress benches recognising that even Managing Agents have a right to exist and a right to be considered. There is my Honourable friend, the Leader of the Independent Party, who calls them parasites; and here is this socialist Government masquerading as a benevolent autocracy, wanting to expropriate the Managing Agents, Why?

Mr. M. A. Jinnah: Because they deserve it.

Sir H. P. Mody: I will come to that......... .

.....

Mr. M. A. Jinnah: And they do very well.

Mr. Bhulabhai J. Desai: I do not need to adopt.......

Mr. M. A. Jinnah: That is the justice.

Mr. Bhulabhai J. Desai: ... There is only just one word which I wish to say before I close. I have taken this opportunity of pointing out facts which I hope will open the eyes of those who indulge in unjustifiable criticism. We may differ; but I hope, Sir, that so far as I am concerned, I have stated the facts as best I could from all the records that are available, and I leave the matter to the judgment of the House.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, on a point of personal explanation, if you will allow me....

Mr. President (The Honourable Sir Abdur Rahim):

Has the Honourable Member spoken on this question at all?

Mr. H. A. Sathar H. Essak Sait: The Honourable the Leader of the Opposition referred to a minute of dissent that we have put in. I did not wish to interrupt him then.

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss it.

Mr. M. A. Jinnah: No, Sir. The statement made by the Leader of the Opposition was this, that the Members of the Independent Party who were on the Select Committee did not say anything with regard to clause 27 in their minute of dissent, and that statement is incorrect. He stated that Members of the Independent Party on the select Committee accepted the ten years clause, and my friend further said that they had not said anything about it. That statement is quite incorrect, because in their minute they have reserved their right to amend that.

Mr. President (The Honourable Sir Abdur Rahim): That is not a matter of personal explanation.

Mr. M. A. Jinnah: That was a wrong statement made by the Honourable the Leader of the Opposition.

.....

Mr. President (The Honourable Sir Abdur Rahim).... I should like to know the Government attitude towards this amendment.

The Honourable Sir Nripendra Sircar (Law Member): If you want to know what is our attitude in this matter, it is one of opposition.

Mr. M. A. Jinnah: We have not yet heard what this amendment means.

.....

Sir H. P. Mody: So, Sir, my subfmission would be that instead of this attempt to tinker with the maximum limit which the Hose seems disposed to bring about, lay down a flat rate of Rs. 50 a month, which should make all Managing Agents happy.

Mr. M. A. Jinnah: It will make them entirely flat.

Sir. H. P. Mody: I hope that Managing Agents will be found resourceful enough to meet these onslaughts on their position.

....

Mr. Bhulabhai J. Desai: In so far as the substitution of the word "or" would lead to the situation which I have submitted to the House, namely, that it would attach itself to an immaterial statement, it should not be done.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I quite see the point of the Leader of the Opposition that if you substitute the world 'or' for 'and', it might cover even an immaterial statement if proved as a sufficient ground to resist the claim. On the other hand, as the clause stands now, it seems to me that it is also open to the policy holder to urge with a great deal of force in any Court of law that, first of all the statement must be inaccurate or false, secondly, that that statement must be material and, thirdly, that it was fraudulently made. I quite agree with the Leader of the Opposition that when you say that it is fraudulently made, it means that you either knew or that you msut have known or that if you had taken the precaution as a reasonable and prudent man, you would have come to know. All that will come under 'fraudulently' if it stops there. But it goes further. Although the insurer may prove that the statement is inaccurate or false, although he may prove that it is a material statement and although he may prove that it is fraudulent, namely, that he ought to have known and that as a prudent man he must have known, that is not enough. The fourth ingredient is necessary, that is to say, his knowledge in fact. Now, that knowledge in fact must be proved. Until you satisfy the last ingredient, that is, knowledge in fact, the policy-holder would be entitled to establish his claim. Therefore, the position really is this. While there is a great deal of force in the point of the Leader of the Opposition, namely, that that might let in even an immaterial statement – that is how I understood him – it is equally objectionable; that it might require that the knowledge of the policy-holder must, in fact, be proved. There is, therefore, that danger and I would really appeal to the Leader of the House to consider it. I am only pointing this out in the interest of the policy holders as well as in the interest of the insurers. So, it is for the Leader of the House to consider it.

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The Honourable Sir Nripendra Sircar:.....If I can get 55, I shall oppose 50. If I think I am not getting it, I shall be satisfied with what the Hosue will give me.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What is the best figure for policy-holders?

The Honourable Sir Nripendra Sircar: 100 percent should be kept in Government securities. That is the best. That is the ideal which we should try for............

The Honourable Sir Nripendra Sircar:.........If the two amendments which I indicated are carried, the result will be that the Chief Agent will not come within the ambit of clause 35.

Mr. M. A. Jinnah: As it stands now?

The Honourable Sir Nripendra Sircar: Yes. If it is amended...

.....

Mr. M. A. Jinnah: Sir, I want to say a few words becuase the point has not been made clear as to what is the object of this licensing clause. The question has been asked as to why these canvassers and field workers should be licensed. Everybody asked why, but nobody asked why not and nobody said why it should be. Now, as far as I understand, the whole *raison d'etre* and the very basic foudnation for licensing these canvassers or field workers is this that they can be traced and identified in case they do wrong. They not only canvas the business, namely, get the policies issued to the policy holders but they collect the premium. Again, on renewal also, they collect the premium, and they take that money and in some cases it does not reach the company. And we do not know how to trace that man, becuase anybody can be a canvasser. As some one said, even a cook can be a canvasser. Remember that this is not a case of a broker. It is not deal between two merchants or two dealers who are on the spot. Here the canvasser goes to the furthest end, canvasses, gets the policy, gets the policy holder to sign and gets his money.

Some Honourable Members: No.

Mr. M. A. Jinnah: I know it personally and I have had several instances of that kind brought to my notice and there is not the slightest doubt about it. Therefore, these unwary policy holders are entirely in the hands of these convassers. And what is wrong in his obtaining it? The canvasser has only got to apply that he wants to be a canvasser for the insurance business, his application has only got to be endorsed by the insurer, and then if we get him on the register, we at least know how to trace him, how to identify him; and that seems to me the fundamental reason why this clause wants that the canvassers and field workers should be licensed. Therefore, I am strongly in favour of this principle of licensing the canvassers and the field workers. As to other matters I do not wish to take the time of the House now as those connected amendments will be dealt with later and

I hope that this amendment will not be carried by this House.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): There is one point which I should like to ask in connection with this amendment. I understand from Mr. Jinnah's speech that the agent will have only to apply and he will get it as a matter of course.

I should like to know.....

Mr. M. A. Jinnah: I did not say he will get it as a matter of course, but I say that in the ordinary course his application will not be refused. Supposing he is known as a thief, his application will certainly be refused.

Dr. Ziauddin Ahmed: This is what I should like to know, i.e., about the conditions on which the license will be granted. Is it sufficient that one insurer certifies him to be an honest man, and that insurer has full confidence in that particular agent and, after that, the Superintendent of Insurance will grant him as a matter of course? Or will it be like an application for fire-arms in which an investiation is to be carried on and then it is not certain whether it will be granted. It depends on the sweet will of the District Magistrate. Or, I do not know whether Government will make a rule that they will not have more than so many insurance agents and restrict the number in their own way.

The Honourable Sir Nripendra Sircar: No, we cannot; we have no power.

. . . . .

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, the position that we have tried to take up is this. The first Question which really goes at the root of the amendment and the clause and also the subsequent clauses is this. Hitherto, there is absolutely no limit to any commission that may be paid either to the chief agent or a special agent or a special manager or a field worker or a canvasser. That has been the position up to the present moment. Now, Sir, on the question of commission, there are various schools of thought and there are various interests involved, and the one point of view that has impressed us — at least impressed the Members on this side of the House — is this, that in trying to limit these commissions or the percentage of the commissions we should see that the small companies are not hit hard. There is a competition and the House, I think, must be aware by now as to what this strugle is about. The competition is this that, naturally, the large and influential Indian companies wish to limit the comission in order to prevent the foreign companis or the United Kingdom companies from competing with them by offering very large comissions because they are very powerful companies. So, this is a fight between the large and powerful and influential Indian companies and the foreign or the British companies. In that fight between the two, what I am trying to guard and what I want this House to guard is to see that, when these two bing lions are fighting, let not the poor lamb be swallowed up. It was only with that consideration that I also hinted about it in my speech when we were considering the Bill.

Now, Sir, what is the position? There is no confusion about that at all. The amendment to this clause now comes to this. As the clause stood before, there was a big loophole. That loophole was that the insurer, that is, the company, was prohibited from paying a commission to anybody else except the canvasser or the filed worker. It will, of course, have to be considered whether the commission should be limited or not, but here the question was that the insurer was prohibited from paying any commission to anybody except one clas, namely, the filed worker or the canvasser. Now, there was a loohole and that loophole was that the insurer may not be allwoed to pay yet somebody else may pay out of his own remuneration and that was intended to be stopped by the first amendment that the House has passed. So, there is no confusion and there is no conflict of any kind. Now, we come to the amendment which is now before the House. The object of this amendment is that, unless you accept it, you will exclude any remuneration being paid to the chief agents at all on the basis of commission or otherwise. Now, the whole quesiton is this that that class, whatever you may call it, — namely, the chief agents or special managers or the organisers — but which cannot come under the category of canvassers or field workers may be paid such remuneration as the insureer may think fit. Now, if this amendment is not carried and if we, by any chance, decide to limit the percentage of the commission, then I feel that small companies will go to the wall, as they cannot employ chief agents or special agents. Sir, I support this amendment entirely in the interests of the small companies and I hope that the House will pass it.

Mr. F. E. James: May I make one observation? I was not quite certain from what my Honourable friend, Mr. Jinnah, said just now as to whether he had completley understood the position which has been taken up by the U.K. companies in regard to this question of limitation of comission. It has not been expressed in the House and perhaps I might take this opportunity of expressing ....

Mr. M. A. Jinnah: I did not refer to any definite position that the European Group has taken up. All I said is this that that proposition, namely, limiting the commission will come before us later on. If that is accepted, then this amendment becomes all the more essential, and that was my point.

Mr. F. E. James: I am very glad to have that explanation, and the position will be made quite clear at a later stage.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That at the end of clause 35 of the Bill, the words 'or any person who, for the purpose of insurance business, employyes such agent' be added.

The motion was adopted.

. . . .

Sardar Sant Singh: ....The safeguards are there and this is agreed, that whatever has been earned should be paid to the agent, whether he leaves the service or remains in the service......

Mr. M. A. Jinnah (Bopmbay City: Muhammadan Urban): Notwithstanding an agreement to the contrary?

Sardar Sant Singh: There are no words like that......

. . . . .

Mr. M. A. Jinnah: What does it mean?

Sardar Sant Singh: I have not followed the Honourable Member......

. . . . .

The Bill, as amendmed, was passed on October 2, 1937.

The Legislative Assembly Debates, 1937, Vol: IV, pp. 785, 791, 903 - Vol: V, pp. 1169, 1187, 1199-1207, 1273, 1277-78, 1284, 1293, 1346, 1349, 1680, 1724-25, 1743-44, 1746 - Vol: VI, pp. 1973-74, 1986-87, 1989, 1991-92, 1995, 2064-67, 2170, 2245, 2274, 2280-81, 2327-28, 2434.

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Speech in the Central Legislative Assembly on the question regarding "New Stipulations for incorporation in the Instrument of Accession", Simla, August 31, 1937.

Mr. S. Satyamurti:........I am asking, with regard to the relations between British India and the Indian States in which the fiscal rights of British India are bound to be affected one way or the other; may I know the reason why the Government of India will not consult this Assembly which represents British India, in respect of the future fiscal rights of British India in the Federation:

The Honourable Sir Nirpendra Sircar: I can only repeat what I have already said twice this morning that these communications are still confidential, they are in the state of negotiations and I can only go on repeating what I have been telling this House. I do not propose to give any information.

Prof. N. G. Ranga: On whose behalf are the Government of India carrying on these negotiations?

Mr. M. A. Jinnah: Sir, it is very difficult to catch the eye of the Chair from this part of the House?

Mr. President (The Honourable Sir Abdur Rahim): I do not know what the Honourable Member means?

Mr. M. A. Jinnah: What I mean is this that whenever anybody gets up from this side of the House, I do not know whether you are able to see that he is getting up or not?

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member is at all correct, and that is because the Honourable Member is not always here. One Honourable Member had already begun to put a supplementary question when the Honourable Member got up. But if the Honourable Member wants that before any one puts any supplementary question, he must catch the eye of the Chair and the chair must call out his name, the Chair is quite willing to do that if that is the desire of the House and enforce it in practice. Otherwise the result is that so many speakers get up from every side of the House that it is not always possible for the Chair to regulate the procedure in regard to supplementary questions in the way desired.

Some Honourable Members: Let the present practice continue.

Mr. Sri Prakasa: It is enough to catch the ear and not the eye.

Mr. M. A. Jinnah: It is impossible to catch the ear and not the eye.

Mr. President (The Honourable Sir Abdur Rahim): I think another Honourable Member was in possession of the House and asking questions.

Prof. N. G. Ranga: On whose behalf are the Government of India carrying on these negotiations with these Indian princes and Chamber of Princes? Is it on behalf of the British Government or on behalf of themselves?

The Honourable Sir Nripendra Sircar: It is being done by the Government of India.

Mr. M. A. Jinnah: In these negotiations with the Indian princes who is supposed to represent the interest and point of view of British India?

The Honourable Sir Nripendra Sircar: I think I have answered that question. If my Honourable friend wants names or descriptions I am not prepared to disclose them, or to give any particulars.

Mr. M. A. Jinnah: I do not want names, but who is the authority?

The Honourable Sir Nripendra Sircar: I can describe them by the generic name of Government officials and others, if any who are carrying on the negotiations, but I am afraid I cannot disclose the names; either of the States or of British representatives.

The Legislative Assembly Debates, 1937,
Vol. IV, pp. 845-46.

156

Statement to the Press regarding Indian Interests in Zanzibar, Simla, September 1, 1937

Mr. M. A. Jinnah has issued the following statement to the Press:

"There seems to be widespread confusion and want of clear understanding with regard to the decision of the Independent Party on the adjournment motion concerning Zanzibar*. Hence, I am obliged to issue this statement. The position the Indian community has taken up, and the way some interested persons are encouraging them is not in their interest. The Government of India have not committed themselves irrevocably, but they have endeavoured to get a working agreement, the terms of which are such that, if carried out properly, they are not likely to seriously prejudice the interests of the Indian community.

"The Clove Growers Association is not a body working for profit. It is analogous to the Marketing Board set up by the

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* See Legislative Assembly Debates, 1937, Vol. IV, pp. 404-407.

Government of Zanzibar and will be composed of two representatives of the Indian community, two of Arabs and Africans and two officials. If the Association does get any benefit or profit in the working of the terms of the agreement and the scheme which the Government of India have secured, it will be utilised for the relief of growers and cultivators. There is no British interest directly or indirectly involved, nor is there any possibility of any interest exploiting Indian trade as has been wrongly given out in certain quarters.

Exploitation

"It seems to me that the Congress Party and a section of the Press is unconsciously being exploited by Indian commercial interests and are being misled. I will appeal to the Indian community in Zanzibar to adjust itself reasonably to the economic conditions and requirements that face them there and not to maintain an impossible position that their vested interests should continue to be kept intact. The question is not a question between the British and the Indian community but is purely an economic question, in which the bulk of the people concerned are Mussalmans. The Indian community in Zanzibar is 15,000 while Arabs are 33,000 and Africans 1,87,000. Indians are mostly money-lenders and traders, while Arabs and Africans growers and cultivators.

"I would like the public and those interested in this question to read the terms of the agreement which were published on July 23 and I request the Indian community in Zanzibar not to be misled. If we find in the working of the agreement and scheme that the position of Indian community is in any way seriously prejudiced, it will be then open to us to reconsider the whole question because neither the Indian legislature nor the Government of India are irrevocably committed to it. In these circumstances, the Independent Party could not support the motion of adjournment, which meant definite censure of the Government of India, and had to oppose the motion moved by the Congress Party when the same was pressed to a division". (A.P.)

The Civil & Military Gazette, September 2, 1937

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Message to the Conference of the Gaya District Muslim League, Simla, September 1, 1937.

"Wish your conference every success. Organisation and Unity should be watchwords of Bihar Mussalmans".

The Star of India, September 6, 1937

158

Speech in Central Legislative Assembly on "Economics in the Central Government expenditure", Simla, September 3, 1937

Mr. M. Asif Ali:...........by Indian troops the defence of India will not be weakened in the least degree. In fact, I personally think that our defences will be much stronger than they are today.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): We can shoot better. (Laughter)

Mr. M. Asaf Ali: More than that, the Defence Secretary said that the British troops were necessary for mixing British with Indian troops to get the best value for our money. If that was one of their aims, why did they not appoint all our Indian officers who held the King's Commissions as officers in the

British army? Why did they shove them all into these Indianised units and segregated them? That would have been proper mixing but they do not want Indian officers to mix with the British troops. All that they want is that British troops should be there as an army of occupation to continue to threaten our freedom.

Lieut.-Colonel A. E. B. Parsons (Secretary, External Affairs Department): Sir, if time was not so short I should have liked to join issue as a layman with some of Mr. Asaf Ali's statements, but in the time available to me I can only hope to deal with one aspect of the subject, and that is what one or two Honourable Members have suggested, that it is possible to reduce the army if the government of India followed another policy on the frontier, and secondly, that the strength of the army on the frontier is in excess of what is required. The problem with which we are faced is a belt of country extending from Bajaur on the north down to Gomal on the south, — 50 miles across more or less. It is bounded on the west by the Indo-Afghan boundary and on the east by the border of the administered districts. It is inhabited by more or less uncivilised tribesmen.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): No, no.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Uncivilised people are those who drop bombs. Butchers! Sir, I protest against the use of that word. He must withdraw it.

Lieut. Colonel A. E. B. Parsons: These tribesmen have many affinities in common, of religion, of language, of social structure. And they have connections both across the Indo-Afghan border and across the administered border of India; but the connections they have with India are very much stronger than those that they have with Afghanistan. The Durand Line was not drawn haphazard: it follows the boundaries of the tribes, as far as is possible. On the other hand, the border of the administered districts in some cases is crossed by tribes, that is to say, part of the same tribe lives in tribal areas and part in the administered districts: and all these tribes are economically connected with British India. In this belt we have very wide variations in the amount of administration. In some places we exercise practically no control at all and in some places quite a lot. The responsibility of Government in these areas is now two-fold. We have the responsibility towards the administered areas that the tribes of these tribal areas should not commit raids and kidnap or do any damage: and we have now, since the very rapid development of Afghanistan into a modern state, the responsibility towards Afghanistan that our tribes people shall not cross there and commit similar crimes in their territory......

The Legislative Assembly Debates, 1937, Vol: V, p. 1110

159

Speech in the Central Legislative Assembly on the "Muslim Intestate Succession Bill", Simla, September 9, 1937.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by Sir Muhammad Yakub on the 2nd September:

"That the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim community be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Qazi Muhammad Ahmad Kazmi, Mr. Abdul Qaiyum, Syed Ghulam Bhik Nairang, Maulvi Syed Murtaza Sahib Bahadur, Khan Bahadur Sir Abdul Hamid, Maulana Shaukat

Ali, Mr. Muhammad Azhar Ali, Maulvi Zafar Ali Khan, Khan Sahib Nawab Siddique Ali Khan, and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Khan Sahib Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): Sir, before I deal with the merits of the bill, I feel it necessary to make a few introductory remarks with respect to the history of this proposed legislation. In Bhandara district of the province, to which I belong, there is an estate called the Rajoli Zemindari. It belonged to a prominent Muslims family, whose last holder died, as........

.....

Mr. M. S. Aney:..............But if the Muhammadan community has already departed from that practice of the *Shariat* for 120 or 125 years, then there ought to be very strong justification for them to revert to that old law and depart from the present practice.....

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What is the present practice?

Mr. M. S. Aney: You have a better right than I have to say what it is. You are more conversant with the practice with regard to this point about Muhammadan law and the way in which it has been administered by the Government. And I hope when the time comes the Honourable Member will be able to tell us what it is. But I take it the practice is that such an intestate estate is escheated to the Government and the Government administers it........But if we have tolerated a departure from the pure personal law for a number of years and we really do not see any evil coming out from that departure by being governed by common practices in certain matters, in the interests of the growing nationalism, it is not proper for anybody to ask us to turn from that practice and again try to add to the points of difference which, unfortunately, already divide this country in so many ways., I think that would be the highest blunder. I would appeal to my countrymen whether we cannot have one common Bill for the administration of these escheated estates both among Hindus and among the Muhammadan: we can make trusts for poor Muahmmadans and for poor Hindus in one Bill, under the supervision of Government. That would be developing the common law at the same time retaining, as far as is necessary, the characteristic specialities of the two communities and regarded for the text also. But do not bring in a measure which will make some kind of invidious distinction in favour of one community apparently but not in reality doing any good. I do not advise my Brahmin friends to come out with a measure like this for this reason. There was a concession given to Brahmins like that. Probably the Brahmins in those old days were much better than what we are today and they may have deserved it also. I say a concession like that was given to the Brahmin community in the old laws of Hindus and I do not grudge the concession that was enjoyed by them at that time......

Mr. M. A. Jinnah: The Brahmin made the Act!

Mr. M.S. Aney: They always made the Acts, but without any sordid motives whatsoever.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to continue his speech, he can do so after Lunch.

The Legislative Assembly Debates, 1937,
Vol: V, pp; 1403, 1420-21.

160

Speech in the Central Legislative Assembly on the "Moslem Personal Law (Shariat) Applicable Bill" Simla, September 9, 1937.

Mr. H. M. Abdullah (West Central Punjab): Muhammadan): Sir, I beg to move:

"That the Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India, as reported by the Select Committee, be taken into consideration."

The object of the Bill, as the House is already aware, is to replace the customary law by the *Shariat* law in certain matters where the parties to a dispute are Muslims. By doing so, it also helps the weaker sex as it enables women to succeed to the ancestral property and to claim dissolution of marriage on certain grounds. After explaining the object of the Bill briefly, it gives me great pleasure to say that the Bill has met with a unanimous support from the Select Committee except in one or two points. Objection has been taken to the words "or Law" in clause 2 of the Bill by Messrs Mudie, Muhammad Azhar Ali and Sir Muhammad Yamin Khan in their minutes of dissent. As there is an amendment on the agenda for the omission of these words, I shall deal with it when it is moved. Meanwhile, I would confine my remarks to the modifications suggested by the Select Committee. The main changes made by it are two, one relating to the exclusion of the agricultural land from the purview of the Bill, and the other concerning the amplification of the word "divorce". As succession to agricultural land is an exclusively provincial subject under the Government of India Act, 1935, it had, much against my wish, to be excluded from the Bill. Having regard to the different forms of dissolution of marriage recognised by the *Shariat*, it was considered necessary to provide for all of them. In order to implement the provisions in this respect, a new clause 3 has been inserted in the Bill empowering the District Judge to grant dissolution of marriage on petition of a married Muslim woman on certain grounds. These changes have been introduced in the interest of the females who, in such matters, are at present at the mercy of their husbands.

I am sure that these wholesome changes will be supported by the House. In addition to the above, the Select Committee have made a few other amendments which are fully explained in the report, and I need not take the time of the House in dilating upon them. I hope that the Bill in its present form will meet with the approval of the whole House.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India, as reported by the Select Committee, be taken into consideration."

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I am in sympathy with the objects which this very useful Bill aims at. There is a great awakening among the Muslim masses, and they are terribly conscious of their wretched condition socially, politically and economically. There is a desire in the community for an advance in all these directions. The feelings of the Muslim community have been expressed in public meetings throughout the length and breadth of this country. This feeling, I have great pleasure in stating, is not merely confined to males but it has spread to the females also, and for the first time the Muslim women in India have given expression to their strong feelings against the dead hand of customary law which has reduced them into the position of chattels. Sir, these feelings have been expressed by various organisations of Muslim women throughout India. A representative body of Muslim Ulemas like the Jamait-ul-Ulema-i-Hind has also expressed its sympathy with the objects of this Bill. Sir, there is something in the word "*Shariat*", — may be it is Arabic, — which gives a sort of fright to some of my Honourable friends, but I think if they try to read the Muhammadan Law on the point, especially on the point of succession, they will realise that this Bill was long overdue and that it is a step in the right direction. People have no idea of what terrible conditions the Muslim women have had to endure in my own Province: I can say that whenever a Muslim died, at least before the Frontier Shariat Law was enacted in the North-West Frontier Province, his daughter, his sister and his wife all used to be thrown into the street, and the reversioner in the tenth degree would come round and collar all his property. I think that the conscience of all those who believe in progress, social, political and economic will revolt against such practice and once people realise that this Bill is primarily intended to improve the status of women and to confer upon them benefits which are lawfully their due under the Muhammadan law, then they will gladly support this measure.

.....

Sir Muhammad Yamin Khan: ....on the floor this very House by the very persons who hurried it through.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I ask the Honourable Member — I want to understand whether he means to say that under these words as they are now embodied in the Bill, in cases where the parties are Muslims, the law shall be the Muslim personal Law (*Shariat*)? Does he wish to convey that every Mussalman will be governed by *Hanafi* Law if this Bill is allowed to stand as it is?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair]

Sir Muhammad Yamin Khan: It may be argued in a court of law that the Muslim Shariat Law must be the law as is embodied in the Shariat.

Mr. M. A. Jinnah: I am talking of this Bill.

Sir Muhammad Yamin Khan: If the word *Shariat* is there I can argue in a court of law that the succession should be according to the *Shariat* and not the personal law of the deceased.

Mr. M. A. Jinnah: Personal Law (*Shariat*)?

. . . . .

Qazi Muhammad Ahmad Kazmi:......Sir, I was submitting that when this Bill was introduced in the Assembly, it was meant to cover a very large field, but, unfortunately, on account of the limitations imposed upon us by the Government of India Act, it has been considerably restricted in its scope because "agricultural lands" had to be excluded.......I give my support to the Bill.

Mr. M. A. Jinnah: Sir, I thought I would wait until I heard the Government view on this Bill but evidently Government have no views at all. The principle of this Bill, as I understand it, and its object is that, hither to, amongst certain classes who are the followers of Islam there prevails a custom or usage by which they are governed in matters of succession and inheritance. These customs are age-long old and they have been pursuing them for centuries. Some customs have been established in Courts of Law and have in fact the force of Law. Some customs are nebulous and some are put up as they may suit the parties concerned. But as we grow and as India has developed, the customs which are still not established are sought to be established at the cost of a great amount of expense and prolonged litigation. Now, Sir, as I said, the principle underlying this Bill is to secure to the female heirs their due share according to Muhammadan law. According to the customs and usages that have prevailed, the position of the female heirs has been a very precarious one. If a man dies his widow is only entitled to maintenance. When the question arises as to what maintenance she is entitled to, it is always a very difficult question to decide, because when a son or male heir succeeds to a large estate, he tells the widow that Rs.100 is quite enough for her although it may be an estate of ten or twenty or thirty lakhs; and then invariably litigation arises. Then, as some Honourable Members know, the result of that litigation is that the widow claims maintenance according to the position in which her husband lived, according to the estate he has left, and that leads to very lengthy litigation and complicated inquiry, as to what estate was left and what is to be awarded, and so on. Similar is the position of daughters and female heirs. I will not dilate on it any more, but I think that the House will agree that the state of things is not very satisfactory, and I submit it that the Islamic code of law is most just because the shares are defined there, namely, the daughter gets half the share of the son, and similar is the position of female heirs. If she gets half in her own right she is the sole mistress and master of that share of hers; and in these days and even in earlier days and even today the economic position of woman is the foundation of her being recognised as equal of man and share the life of man to the fullest extent. Therefore, that being the principle, namely, to avoid this uncertainty and to avoid the costly litigation that occurs for any of these customs not being defined or ascertained, it is desirable that at any rate we should secure to the female heirs their proper share according to the Muslim Law.

Then, with regard to the other matters which are enumerated in the Bill, it seems that there is no difficulty. I do not think we are introducing or enacting a law which is in any way going back, but it is a more progressive and more advanced system of law than the customs and usages that are at present governing these various matters. You have got other matters enumerated there and, therefore, that really is the principle of the Bill. I, therefore, whole-heartedly support the principle of the Bill.

Having said that, there are certain very serious difficulties which we have to face, and things have been acted upon and laws have been enacted in this country; and, therefore, the question whether the word "law" should remain in that Bill or to what extent we should meet that difficulty will be a question that we will consider when these various amendments come before us. There is one point which I should like to mention and I did try to follow my Honourable fried, Sir Yamin Khan, with regard to his point. I find that as the language of this Bill goes, of course anything is possible for one to argue in a court of law. You can always raise a dispute, the doors of the court are always open and I can always concede to Sir Yamin Khan that whatever Bill you may pass, there will be some people who will go to a court of law for a construction of some clause or some word. But that is no reason why we should not take the utmost care and caution and see that there is absolutely no doubt left as far as we humanly can help. Now, "Muslim personal law" is mentioned there, and Sir Muhammad Yamin Khan admits that if it is stopped there, there will be no difficulty, and it is quite obvious to any one who knows anything about the Muslim law that there are different schools of law, that there are certain variations and certain differences which have come about by means of interpretation of great jurists on Muslim law. It is interpretation, but the fountain source of that law is *Shariat*....

Sir Muhammad Yamin Khan: The fountain is the Quran.

Mr. M. A. Jinnah: May I point out to my friend what Mr. Wilson says in his book.

Sir Muhammad Yamin Khan: He may not be correct.

Mr. M. A. Jinnah: Then, there is nothing in this world which can be correct and the only correct thing is this what the Honourable Member says. There is no use of asserting that everything is incorrect and the only thing that you say is correct. I am trying to persuade my friend to examine it carefully, and I assure him that we don't want to tie ourselves up into knots. If there is the slightest ground for it, at least I am prepared to consider it, but I was trying *prima facie* to persuade my friend to see that there is no substantial point in this. This is what Wilson says at page 6:

> "The Muslim Sacred Law (Shariat)...."

I think my friend is thinking perhaps of that meaning of Shariat Muslim sacred law. Now, Muslim sacred law in English, in brackets, is Shariat. What do we say? Muslim personal law (Shariat). It makes all the difference in the world, and when Wilson defines what is Muslim sacred law or Shariat, he says:

> "Muslim sacred law stands on a different basis. It professedly centres more round the personality and the sayings and doings of the Prophet than did even the Canon Law of the Trinitarian Christians round the personality of the deified Jesus. And its scope is infinitely wider. It enters into the minutest details of the daily lives of men, women and children, private and public, religious and secular."

Therefore, when you talk of *Shariat* in that sense, it embraces the whole system of your life, secular and otherwise. When we are putting in the Bill 'Muslim Personal Law' (Shariat), I ask Honourable Members to say whether any Judge would have any difficulty in interpreting this clause and would go to the extent of saying that 'no matter whether you are a Sunni, Hanafi, Shia or Shafi or you belong to any other school by which you are governed as to your personal Muslim law, I will only hold you by the rule of Hanafi school of law' according to this clause. Surely, I leave it to the House to judge. I don't wish to take up any more time of the House, but I once more say this. This is really a very progressive and advanced measure, and it is certainly intended to secure a distinct benefit to female heirs who have suffered, and it is high time that they were relieved of their suffering, and I hope the House will accept the main principle of this Bill subject to such modification as may be necessary having regard to other difficulties that are facing us.

. . . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I entirely agree with some of the observations made by my Muslim friends who have spoken in favour of this Bill. I can understand that in matters which mainly affect the religious usages of any community, the consensus of opinion of that community should be the guide to other persons in forming their own opinion. Therefore, it is nor proper for anybody to take exception to that general principle. If I have got up to speak on this occasion, it is not because that I take exception to the principle underlying this Bill but because I find that the Bill probably goes beyond the principle which the Mover of the Bill has in his mind. One point on which very great emphasis has been laid was the liberalization of the condition of the women who have embraced Islam. My Honourable friend Dr. Deshmukh.............So, the principle on which my friend, Maulana Shaukat Ali and my friend, Maulana Zafar Ali Khan, have defended this Bill is not the principle on which my friend, Dr. Deshmukh, is going to give his blessing at all.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): But the result is the same.

Mr. M. S. Aney: We find many times that two persons go in different directions and yet meet at some point and then they say that they have come together and, therefore, they have travelled in the right direction.

Dr. G. V. Deshmukh: I think I made clear the grounds of my support, that the Bill was progressive in principle.

. . . . .

Mr. M. S. Aney: I do not know what I am. But if you call me a leader of the blind, I will only request you to use any language towards me, but spare the Honourable friends who sit behind me.........

Mr. M. A. Jinnah: I have already tabled an amendment and if it is accepted by the House, all the difficulties which the Honourable Member is now putting before the House will be removed.

Mr. M. S. Aney: I am putting these difficulties in order to show the necessity of the amendments to the Members with a view to enable them to understand clearly the significance of the amendment which my Honourable friend, Mr. Jinnah, is going to move in this matter. I am one with him on this point that the measure goes beyond the limited object which the Mover of this motion had in mind. Similarly, it refers to gifts. There may be certain principles in the *Shariat* or in the various forms of the *Shariat* or in the personal law of the Muhammadans laying down the rules with regard to gift. But I want to understand whether the general principles of the Transfer of Property Act will govern those gifts or not.

Mr. M. A. Jinnah: The Transfer of Property Act does not apply to Mussalmans.

Mr. M. S. Aney: Clause 3 of the Bill, about which I have had a great dispute last time, has been amended. My object in doing that was also to exclude the Hindu community from certain portions of the Act. The Muhammadans were exempted but the Hindus had been included on account of the insistance of some of my friends. However, my point is this. There is the Indian Registration Act. Will that Act have an operation in regulating the gifts and other transfers made in accordance with this law or not?

Mr. M. A. Jinnah: It will not apply.

Mr. M. S. Aney: You have to see whether out of the general body of laws which are common to Hindus and Muslims today and by which the Hindus and Muslims are governed today, any one of these laws becomes useless or inoperative in regard to certain matters which are necessarily of domestic character, but which, however, come within the domain of what we may call, secular activities and secular transactions in which the Hindus and Muslims have to interchange and interact with each other. We want to see whether by enacting this measure, all these laws which are common to Hindus and Muslims alike are going to be affected. Or does the proposed measure affect only those laws which govern the Muhammadans only....

Sir Muhammad Yamin Khan: Where the parties are Muslims.

Mr. M. S. Aney: I want to know..............

. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The question is:

> "That the Bill to make provision for the application of the Moslem Personal Law (Shariat) to Moslems in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim):

The question is:

> "That clause 2 stand part of the Bill."

Mr. M. A. Jinnah: Sir, I beg to move:

> "That in clause 2 of the Bill, for the words 'usage or law' the words 'or usage' be substituted."

Sir, I think I ought to make my position clear generally, as there has been a great deal of criticism. With your permission and with the permission of the House, I might go a little beyond the four corners of the amendment. The last speech of my Honourable friend, Mr. Aney, was a criticism of the Bill in various ways. But might I explain to the House and to my Honourable friend here that the Bill is quite clear and specific. When these amendments are made, I think no reasonable person can have any complaint whatsoever. The object of the Bill is this. Of course, I am now assuming that the House will accept my amendment, and the moment the House accepts the amendment, the word "law" disappears from the Bill, and the moment the word "law" disappears from the Bill, all the criticisms that were offered by my Honourable friend, Mr. Aney, will have no ground to stand – such as the Registration Act, the Transfer of Property Act and so on and so forth – because no Statute is touched by this Bill. But this Bill has no desire really to touch any of those Statues, we never had any desire, except perhaps those Statutes which regulate different rules of succession and disposal of property than the personal Muslim law, such as the Taluqdars of Oudh, for instance. My friend, Mr. Aney, though that the matter was not very clear with regard to various matters. I will draw his attention to this. What is the Bill seeking to do?

> "Notwithstanding any custom" — (*and if the amendment is accepted*), — "or usage to the contrary, in all questions regarding intestate succession (save as regards

agricultural land):,—

We have saved agricultural land, because I find that, under the Government of India Act, it is a provincial subject, and, therefore, it cannot be dealt with here. Then, we go further:

> "special property of females, including personal property inherited or obtained under contract or gift or any other prevision of Personal Law", etc.

That deals with property and has nothing whatever to do with anything else. That is to say, the intestate succession to the property which has been here described is one subject; and I think it is quite clear that, when you are dealing with property, it is a question of succession and inheritance and nothing else. Then, the next subject is, — "marriage". My Honourable friend, Mr. Aney, knows what it means. (Laughter)

Mr. M. S. Aney: We both know it. (Laughter)

Mr. M. A. Jinnah: Quite so. Surely it is quite obvious that the personal Muslim law should govern all matters connected with marriage, notwithstanding the custom or usage to the contrary, and Muslim law is quite clear and definite, and for a lawyer it is quite easy to understand. Now, let us take other subjects. "Dissolution of marriage", — the same observations apply; "including *talaq*" and the different kinds of *talaq* described here. There, again, to put it in the English language, the subject comes under the law of divorce. Now, the law of divorce is well known. There is the Muslim personal law, and we are seeking to do this that that should prevail and not the usage or the custom. The next thing is "maintenance", and there it is the same thing, as also "dower" "Adoption" is taken out according to my amendment. Then comes "guardianship". As to that there is the Muslim personal law which defines and regulates the question of guardianship, but that does not override any other Statute, because the word "law" goes. Therefore, the laws of guardianship prevalent according to the Muslim personal law will be applicable notwithstanding the custom or the usage. Then, "wills" and "legacies" are taken out. Then comes "gifts". There, again, the Muslim personal law is well known and is applicable to gifts; and we say that that law should apply notwithstanding the custom and the usage. Then we take "trusts and trust properties and wakfs". Here, again, the law of trusts and wakfs is well known. Then, we say; "(other than charities and charitable institutions and charitable and religious endowments)". These we had to exclude, because that again is a provincial subject and not a Central subject. Now, Sir, may I know what is the real objection to this, and why is this not definite and not clear, if the word "law" is dropped?

Now, let me tell the House that barring a very small population all over India such as the Baluchis, Moplahs, Memons, Khojas and certain sections of the people of the Punjab, and so on, which is a small section compared to the Muslim population all over India, these small communities or sections have followed certain customs and usages which now have the force of law; and once the custom or usage has the force of law, that is the law for that community or that section of the people. And however much they may want to change, they are governed by it; and, therefore, something has got to be done in order that they should be brought under some other system of law if the custom and the usages are not desirable, and the custom and the usage which have the force of law are certainly unjust and particularly unjust with regard to the female heirs as to their succession in the property. As I said in the beginning when I spoke on this Bill on the consideration motion, the position really is this that, the female heirs according to the custom and the usage which we want to set aside get nothing but maintenance and marriage expenses. And here I certainly welcome the observations which were made by Dr. Deshmukh that he is a champion of women. And, Sir, if he wants any advocate to help him in that cause, he can always count upon me. I entirely agree that these customs which exclude the female heirs are, to my mind, unjust, and, not only unjust, but they are keeping down the economic position and status of women which is the foundation of their development and rise and their proper and equal share along with the men in all walks of life. Therefore, Sir, the whole object is this that personal Muslim law should govern the rule of intestate succession. of course, there are different jurisprudences, and then my Honourable friend, Mr. Joseph, is an idealist who wants to have a Utopia when we have only one system of law in this world. We have not achieved that ideal yet. Different people have different codes of law; even in Europe the rules of succession differ and in India the rules of succession differ. But, Sir, I meant to say that the code of Islamic law of succession is the most just and equitable.

Mr. George Joseph: If that is territorial legislation, I have no objection.

Mr. M. A. Jinnah: My ambition is very limited. I do not believe in visionary ideas. I do not believe in dreaming of things. To make one territorial law for the whole of India will take a very long time indeed. I cannot wait till then. I find, I have no hesitation in saying this, that the Islamic code of law with regard to succession is the most just and equitable, most advanced and most progressive. I, therefore, say, let the Muslims at least be governed by it.

I will not take any more time of the House, and I hope that this Bill will be passed today. I do not want to be a party for delaying it any more. With these observations, I move my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 2 of the Bill, for the words 'usage or law' the words 'or usage' be substituted."

. . . .

Sir Muhammad Yamin Khan: Sir, if this amendment is not made and the law stands as it is without taking out the word "law", then we will have this clause 2 reading "*wakfs* other than charities and charitable institutions and charitable and religious endowments", which means that there is a kind of *wakf* contemplated by this Act which does not come under the above. What is that *wakf*, Sir? It comes under the purview of *wakf-ulul-aulad* which has been allowed by an enactment of this Legislature. According to Shariat law, which has been interpreted by the Privy Council, that kind of *wakf* was not valid. Mussalman Members may agree with the ruling of the Privy Council or not, but that is the law as interpreted by the Privy Council. Therefore the only thing which gives the right to make a *wakf-ulul-aulad* is the law, not the custom or the Shariat. I, therefore, think that unless we take out the word "law", we will be nullifying an Act of this Legislature which gives us the right to make a *wakf-ulul-aulad*. I am sorry to find that my friend did not catch the point which I had put before him.

Mr. M. A. Jinnah: I am perhaps dense: I can never catch my learned friend.

Sir Muhammad Yamin Khan: If my friend, Mr. Jinnah, cannot catch me it is a pity that even he cannot catch me.

Mr. M. A. Jinnah: A great pity.

Sir Muhammad Yamin Khan: That is my real difficulty in having the word law".

Mr. M. A. Jinnah: We agree now.

Sir Muhammad Yamin Khan: To taking out the law, but on the ground.....

Mr. M. A. Jinnah: Never mind the ground.

Sir Muhammad Yamin Khan: I think, Sir, this is the position. I think the whole House will agree and drop the word "law".

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittor: Non-Muhammadan Rural): I have got a doubt which has not been cleared by the amendment of Mr. Jinnah. Now, the world "law" has been removed and the clause stands as "notwithstanding the usage or custom to the contrary in matters of succession, etc., etc.". There is a further amendment from the same Honourable Member that so far as wills, adoption, and legacies are concerned, it is open to any individual to make a declaration and thereafter this Bill will apply to him and to his children. I find that, with respect to the Cutchi Memons of Bombay, an Act was passed in 1920 which was again amended in 1923, whereby they could declare against the application of the ordinary law of inheritance and succession which, in their case, was according to Hindu law. Even though the word "law" is removed from Clause 2, it will have this effect that, even in regard to Cutchi Memons to whom the laws of 1920 and 1923 apply and under which they can modify the ordinary succession according to Hindu law, Cutchi Memons, from the date of the passing of this Act, are bound by the Muslim law. That will be the effect. Therefore, I want the Honourable House to understand the implications of this Bill. I want to know from the Honourable the Mover of the amendment whether it is contemplated that, notwithstanding the Act, passed by the Legislature enabling the Cutchi Memons to modify their law, which is Hindu law, into one of Muslim law, it should be obligatory under this law for them to adopt, immediately on the passing of this law, the Muslim law.

Mr. M. A. Jinnah: The answer is "yes". I thought I made it clear that it is a very small section indeed of Cutchi

Memons, Moplahs, and so on. The answer is "yes" so far as intestate succession is concerned; and let me inform the House and the Honourable Member who put me this question that I understand that more than 900 members of the community have already taken advantage of that declaration out of a total of 1,500 or 1,600; so more than half have already come under it; and the remaining portion is so small, and, as I said, what we are doing is so equitable that having regard to the general question the small portion also should be brought in immediately under the effect of this Bill.

Mr. M. Ananthasayanam Ayyanger: May I suggest one thing? It is because even under this law in its application with respect to certain aspects, that is, with respect to legacies, adoption....

Mr. M. A. Jinnah: That is taken out.

Mr. M. A. Ananthasayanam Ayyanger: In as much as a similar declaration is provided for this, and 900 of these people have already joined, why should you force this upon the remainder.

Mr. M. A. Jinnah: I will explain when I come to that.

......

Mr. President (The Honourable Sir Abdur Rahim): Before putting the amendment, I should like to inform the House that my attention has been drawn to amendment No.11 which stands in the name of Mr. Mudie. As I read it, supposing this amendment of Mr. Jinnah is carried, that amendment will not be barred.

Mr. M. A. Jinnah: Yes: I submit it will bar it.

.....

Mr. R. F. Mudie: If this amendment is adopted, the last few lines of clause 2 will read,

> "the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (*Sharait*) except in so far as that law has been either expressly or by necessary implication altered or abolished or is opposed to the provisions of any legislative enactment."

That is to say, "law" means the Muslim Personal Law. That is quite clear, I think.

Mr. M. A. Jinnah: You are putting the cart before the horse!

Mr. R. F. Mudie: The second part of my amendment, namely –

> "Provided that nothing herein contained shall affect the power of a court in the absence of specific law to apply to the decision of any case the principles of justice, equity and good conscience."........................

. . . . .

Mr. M. A. Jinnah: I object to the whole of the amendment of my Honourable friend.

Mr. President (The Honourable Sir Abdur Rahim): That is another matter.

Mr. R. F. Mudie: The word "Provided" may be left out. The second part will then read, "Nothing herein contained........."

Mr. President (The Honourable Sir Abdur Rahim): What about Mr. Kazmi's amendment?

Mr. M. A. Jinnah: That is put on a different footing.

Mr. R. F. Mudie: As regards Mr. Kazmi's amendment, the sections which he refers to have this provision about justice, equity and good conscience.

......

Mr. M. A. Jinnah: The amendment of Mr. Kazmi has nothing to do with the amendment of Mr. Mudie. When that amendment comes the House will deal with it. At present the amendment of Mr. Mudie would have been barred if my amendment would have been carried and, therefore, I hope you will be pleased to have both the amendments before the House. Mr. Kazmi's amendment has nothing whatever to do with my amendment or the amendment of Mr. Mudie. It is an independent amendment.

......

Mr. President (The Honourable Sir Abdur Rahim): Then, I would have to put Mr. Jinnah's amendment first, and if that is carried, I will have to consider whether Mr. Mudie's amendment is inconsistent with that and if I hold that it is not inconsistent, then I shall put that, but if I find that it is inconsistent, then, of course, that will be barred.

.....

Mr. M. A. Jinnah: I oppose the amendment. I really feel that there is a very great deal of confusion in the mind of those who are responsible for this amendment. It is really extraordinary that such a simple thing should be so confused by Mr. Mudie in his speech. Let us see how the matter stands. He thinks that he is on the horns of a dilemma and he says "We have got it in a Statute which was passed in the North-West Frontier Province, Act VI of 1935". The words are these:

> "Except in so far as such law has been altered or abolished by legislative enactments or is opposed to the provisions of the North West Frontier Province Law and Justice Regulations of 1901."

But he forgets that the main clause, clause 2, starts with a very different language. It says:

> "In all questions regarding succession, special property of females, marriage, dower, and so on, the rule of decision would be the Moslem personal law (Shariat) where the parties are Muslims."

Having regard to the words of the main clause, if it was left as it was, undoubtedly a doubt will arise whether all the adjective laws were not also repealed or overruled, and, therefore, in that particular Bill, as it was worded, it may have been thought desirable to have these words, but here you cannot have the same clause, no matter what the previous clause is, and that is where the whole confusion arises. The previous clause here runs very differently and makes the position quite clear, and, therefore, this exception, which is embodied in the amendment of Mr. Mudie, is wholly unnecessary and will lead to more confusion instead of clearing up matters. The clause that we have got before us is this, and I want the House to really carefully attend to it:

> "Notwithstanding any custom, usage or law to the contrary, in all questions regarding succession and so on the rule of decision in case where the parties are Muslims shall be the Muslim Personal Law."

The moment we drop the word "law" from this clause, all that you are enacting is this, that the Moslem personal law will apply only so far as the usage or custom is concerned, namely, that the usage or custom is over-ruled, and nothing more. We are not dealing with any other law. We are not overruling or repealing any other law. All that we say is that whatever the usage or custom may be, the rule of decision shall be the Moslem personal law. Therefore, everything else is completely safe, and I say that it will lead to enormous difficulties if you have this put in, having regard to the wording of the clause before the House and it is obvious that it is not required. Mr. Mudie tries to frighten us by saying "What will happen to the law of limitation, court fees", and so on. We are not dealing with them. Nothing is touched. All that remains, and I think that Sardar Sant Singh was perfectly justified, if I may say so, in giving his amendment as long as the word "law" stood. If the word "law" had stood there, I could appreciate the force of that amendment, but it seems to me that I cannot either persuade or convert or convince Mr. Mudie. As to the proviso, Sir, I say most respectfully, whoever may be the draftsman, what does this mean? I really want to understand what it means:

> "Provided that nothing herein contained shall affect the power of a court in the absence of specific law to apply to the decision of any case the principles of justice, equity and god conscience."

Custom and usage having been overruled, is it necessary for this Legislature to tell the Court "When you can find nothing, you should apply the principles of justice, equity and good conscience."

Mr. R. F. Mudie: That is the general law.

Mr. M. A. Jinnah: Is this the subject of an amendment to have it in the Bill and then tell the courts of justice that this House has decided that when they can find no specific law, they must be guided by the rules of equity, justice and good conscience? That is in the General Clauses Act itself, and, therefore, I say that it might lead to very serious misunderstanding. It is really unnecessary and it is a very harmful provision. Taking the amendment either as a whole or even separately, I most respectfully submit that it will lead to grave complications, whereas the Bill, as it is worded, is, I submit, clear and really there is no doubt whatever. All that we are seeking by this Bill is that we are overruling the custom or usage, if any, either established and having the force of law or it may be put forward to be established. Therefore, I do ask Mr. Mudie and the Government to reconsider their position, and I do trust that they will not press for this amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural):... There is only one law, and that word "law" is referred to here. In fact, in one of the amendments which Mr. Mudie and Mr. Jinnah have put on the list (No.4), they have both agreed that, in clause 2 of the Bill for the words "usage or law" the words "or usage" be substituted. It is only and after-thought that the word "law" should be so defined as to include in it all the laws that exist in this country or that some adjective laws or substantive laws should be expressly mentioned. If we do that, then we will simply go on increasing the difficulties of the Courts of law to find out what the word "law" means. I also oppose this amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I am not a lawyer and I would like to ask one question in order to remove my ignorance from Mr. Jinnah. Suppose we agree to his amendment and remove the word "law", what would it mean? Suppose there are certain customs and usages which are prevalent in a particular province and those customs and usages have been enacted in a law, so that they form part of a law.

M. M. A. Jinnah: That is law.

Dr. Ziauddin Ahmad: In that case all customs and usages which have been incorporated in that law will remain as they are.

Mr. M. A. Jinnah: No, no. If there is any statute which is made an express rule, then it is the statutory law and not custom or usage.

Dr. Ziauddin Ahmad: If we accept Mr. Jinnah's amendment, then these laws will remain and they will not be repealed. I should like to know what are the things which we want to repeal by the words, 'usages and customs' which are outside the scope of law. If we remove the world 'law' altogether, I do not find any necessity for having this Bill at all. After all, these customs and usages which are prevalent everywhere have already been incorporated in some law and if we accept Mr. Jinnah's amendment, they will continue to be in force.

Mr. M. A. Jinnah: May I interrupt the Honourable Member? First of all, there is a custom or a usage which has not been made the express rule of codification and yet it has got the force of law. That is to say, the courts of justice, although it is not a statute, will say, that this particular community is governed by this custom which has got the force of law. Therefore, you must be governed by that custom or usage. Take another case where the custom may not have been established because a particular dispute has not arisen yet in a particular community. I may inform the House that only a few days ago, in a certain matter, custom was set up which had not received the force of law. Then, that custom has got to be proved by evidence and may be established. Now, what we are striving by his Bill is to over-rule a custom which has already been established or has the force of law or which may be established hereafter. We are not touching anything that has been done by codification or by an enactment of a Legislature because that is a statute. It is only in regard to the custom or the usage that we are providing for and, therefore, we say that at present we are not going to deal with these laws.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerece and Railway): The question that has been put is this: Is there any custom or usage, which has not been incorporated in any legislative enactment, which is hit by your Bill?

Mr. M. A. Jinnah: Yes, all over. I think Dr. Ziauddin Ahmad must have read the report of Mr. Mudie where he points out that customs prevail amongst various sections and various communities. In the note of Mr. Mudie you have got the communities of Cutchi Memons, Khojas, Borahs, Mopllas, Baluchis mentioned. These customs are actually prevalent and have the force of law and are being enforced by he courts of justice and that is what we want to remove. They are not the laws.

Dr. Ziauddin Ahmad: I think by removing the word 'law' the scope of the Bill will become very limited compared with what the Mover, had in his mind. Of course, the Mover definitely had in his mind that all the laws which are contrary to *Shariat* should also be repealed and all those laws should be regulated by the *Shariat*. That was the original intention of the Mover of this Bill and by removing the word 'law' we are now very much restricting the scope of this Bill. The position will be that all those laws, even if they are against the explicit will of Islam, will remain as they are and they will not be repealed, if we accept Mr. Jinnah's amendment. Only a few of these customs and usages which are still holding good and which are very limited in number, such as, those relating to Cutchi Memons, Khojas, Borahs, Mopllas, Baluchis, etc., will be repealed but the Punjab customary laws will not be affected because they are codified.

An Honourable Member: The Punjab customary laws are not codified.

Dr. Ziauddin Ahmad: In any case, the intention of the motion of Mr. Jinnah is that the Shariat will apply only in those cases where the Legislatures have not given their blessings and wherever there is a definite verdict of a Legislature against the *Shariat*, that verdict will remain good and it will not be altered. But the original intention of the Mover of the Bill was that all cases, whether they have been codified or not, ought to be governed by the *Shariat*. If there is any law made by any other Legislature,.........

. . . .

Mr. R. F. Mudie: As always! It is quite true that rights over land are provincial and I think an assignment of land revenue must be taken as a right over land. Also, explicitly, land revenue is a provincial subject. So my Honourable friend, Mr. Abdul Qaiyum, is quite right in saying that the Act will not apply to these assignments of land revenue. But I think there is no reason why we should not make that clear. Every one after all does not study Schedule VII of the Government of India Act and as the Select Committee agreed explicitly to save succession in the case of agricultural land, I think there is no objection if we make it quite clear in the body of the Act that it does not apply to assignments of land revenue either. The second argument............

Mr. M. A. Jinnah: Sir, it seems really that everybody is afraid as if some harm is going to be done to him. Perfectly right. People sometimes create fears for themselves when fears do not exist. Now, let us examine this particular case. *Jagirs* or grants, as Mr. Mudie just now told the House, are *sanads* given by the Government. In all those grants, whether it is in a *sanad* or whether it is in some other form, they are made according to the terms of the *sanad*, and the terms are laid down in the *sanad* or grant itself. Are we dealing with those cases by this Bill? Is this Bill really dealing with a particular grant which is made by the Government to a particular individual which is to be governed by the particular terms of that grant? We are not dealing with that. May I draw the Honourable Member's attention to the Bill? We are dealing here with the succession. Surely the subject-matter of the grant or *sanad* can never be the subject-matter of succession law.......

Mr. R. F. Mudie: Why not?

Mr. M. A. Jinnah: It is governed by the terms of the *sanad*. Can you change that? I shall stand corrected if I am wrong. Perhaps Mr. Mudie who is full of this information will tell this. Can a grantee do anything except to act according to the terms of the sanad? In other words, can he dispose of the subject-matter of the grant in any way he likes? Can he by any means or by any law which is known. Can that property be governed by any law of succession.......

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railway): Of course......

Mr. M. A. Jinnah: Contrary to the terms of *sanad*?

The Honourable Sir Saiyid Sultan Ahmad: There may be no terms at all for succession.

Mr. M. A. Jinnah: Then I should like to know this. The amendment now is in different language: in the first amendment as put forward there was put the law of primogeniture, but that cannot be altered because it is laid down in the *sanad*.....

The Honourable Sir Saiyid Sultan Ahmad: It is not necessarily so. It may be in the *sanad* or it may not be in the *sanad*. There are many *jagirs* and grants like that where the rule of succession is not laid down; and yet the rule of primogeniture prevails because of the custom.

Mr. M. A. Jinnah: This is according to custom: may I know why they should be exempted?

The Honourable Sir Saiyid Sultan Ahmad: That is another matter.

Mr. M. A. Jinnah: Why should this small class be privileged and exempted from the ordinary rule of succession?......

Major Nawab Sir Ahmad Nawaz Khan: Why should agricultural land be exempted?

Mr. M. A. Jinnah: Because we cannot legislate here.....

Major Nawab Sir Ahmad Nawaz Khan: And, therefore, you cannot touch the *jagirs* too.

Mr. M. A. Jinnah: May I be allowed to go on? If I understand, we cannot touch those grants which are governed by the terms of the grant as to how they devolve upon the successive heirs. This Bill does not touch them. But those grants which are nothing but mere gifts by any ordinary persons giving a gift for good service or past service, that is his own property. If it is his own property, not subject to any terms of succession or devolution, then, may I know why any exception should be made at all. Either this law will apply to them or it will not apply to them. But I really do not see any reason why an exception should be made.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Sir, may I ask one question of Mr. Jinnah? There are different kinds of jagirs. For example, supposing I own three or four villages and the revenue of those villages is exempted and I take the revenue, and Government do not take it. That is one kind of jagir, which is given by the revenue not being taken by the Government. The other is a cash jagir given to a jagirdar from any village. Will Mr. Jinnah tell me how he would treat a jagir in the first category?

Mr. M. A. Jinnah: Your children will get it according to the Muslim law.

Sir Muhammad Yamin Khan: I think, Sir, that there seems to be some kind of confusion about *jagirs*.....

An Honourable Member: You make it worse confounded!

Sir Muhammad Yamin Khan: My friend, Mr. Jinnah, has taken one kind of *Jagir* into his mind, and there seems to be some kind of apprehension in the mind of the Honourable the Mover of this amendment. The simple question is that the *jagir* or the land revenue grant, if it is granted, just as is generally done by putting down *Nuslun-bad-Nuslun*. If the words *Nuslun-bad-Nuslun* apply either to land revenue grant or a *jagir* as pointed out by my friend, Captain Sher Muhammad Khan, that is to say, a man has got a village, he is the proprietor of a village, and Government, in view of his services, remit to him the land revenue, they do not charge him land revenue as long as he lives, they allow him to enjoy the land revenue as long as he is alive or make condition that he does not part with it or sell it to another......

Several Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim):........The question is:

> "That in clause 2 of the Bill, after the word 'questions' the brackets and words '(save questions relating to *jagirs* and other grants or assignments of land revenue)' be inserted.

The motion was negatived.

Mr. M. A. Jinnah: Sir, I move:

> "That in clause 2 of the Bill, before the word 'succession' the word 'intestate' be inserted.

I need not take up the time of the House any more. Honourable Members understand that this had to be done because the wills and legacies have been taken out of the original Act.

Mr. President (The Honourable Sir Abdur Rahim):

Amendment moved:

> "That in clause 2 of the Bill, before the word 'succession' the word 'intestate' be inserted."

Sir Muhammad Yamin Khan: Sir, I oppose this amendment, because I do not think that the insertion of the word 'intestate' before 'succession' will be happy reading. It is not proposed to have a comma between the word 'succession' and intestate, and so if we accept the amendment it will read 'intestate succession'. What will be the meaning of 'intestate succession'? Certainly it will be ambiguous and it will narrow down the scope of the Bill. And if the words 'wills and legacies' are not taken out from the Bill, I don't think the word 'succession' will have any place in the Bill. We have not come to the words 'wills and legacies' and I cannot make a speech on those words now, but I must say that as regards wills and legacies the Mussalmans should be guided by their own personal law. I oppose this amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

> "That is clause 2 of the Bill, before the word 'succession' the word 'intestate' be inserted."

The motion was adopted.

Mr. R. F. Mudie: Sir, I move:

> "That in clause 2 of the Bill, the words and brackets '(save as regards agricultural land)' be omitted and after the word 'questions' the brackets and words '(some questions relating to agricultural land)' be inserted."

In the Select Committee, the words "save as regards agricultural land" were inserted immediately after the word "succession" so that they governed only the word "succession".

The reason for inserting those words was that succession as regards agricultural land is a provincial subject.

Mr. M. A. Jinnah: We accept the amendment.

. . . . .

Mr. M. A. Jinnah: Sir, I move:

"That in clause 2 of the Bill, the word 'adoption' be omitted."

I do not wish to make a speech, I think the House understands what it is.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 2 of the Bill, the word 'adoption' be omitted."

The motion was adopted.

Mr. M. A. Jinnah: Sir, I move:

"That in clause 2 of the Bill, the words 'wills, legacies' be omitted."

I want to make it quite clear to the House that these three matters, namely, adoption, wills and legacies, we agreed to drop from clause 2 not because we do not want them.....

Sir Muhammad Yamin Khan: Who agreed?

Mr. M. A. Jinnah: You will understand if you will hear me. The matter was very carefully considered by almost every Mussalman Member of this House and I want to state on the floor of this House that these amendments which stand in my name are not my individual amendments at all. It is only that I am giving effect to the consensus of opinion. After very careful consideration of the pros and cons it was decided, – although we would like — why should "law" be omitted, why should agricultural land be omitted? If we try to get sixteen annas, we know we may lose the whole. There are difficulties, and surely and my Honourable friend who was on the Select Committee knows it perfectly well. There was Mr. Mudie's amendment and that amendment was a very threatening and dangerous amendment, namely, that no part of this Bill should come into operation unless each province decided that it should operate. And Mr. Mudie has given very powerful reasons in the report of the Select Committee, where he points out that you are suddenly, with one swoop enacting a law which would uproot transactions that have taken place, such as, adoptions, wills, legacies. And his point was that until each province decides for itself, this law should not come into operation, because those people concerned or interested in those matters may have their say in the matter. There was a danger of that, and, therefore, if we can get fourteen annas at this stroke, let us hope that we will get the remaining two annas very soon, and it is with a view to meet that situation that almost every Mussalman Member who was present except my Honourable friend.....

Sir Muhammad Yamin Khan: I was never informed to come.

An Honourable Member: You were not here.

Sir Muhammad Yamin Khan: I was here. I was not informed to come.

Mr. M. A. Jinnah: I regret very much. It was not in my doing, I was asked to go there like any other Member and I think there were about 30 Members present, and, after careful consideration, these were the amendments that we thought that we should move. They are not my individual amendments, that is all I want to say on that to the House. With regard to the question of wills and legacies and adoption the matter stands in this way. As I pointed out in reply to a question that was put to me on another amendment about Cutchi Memons, I think I may inform the House – that is my information and those are the facts – that by voluntary method, by persuasive method more than half the Cutchi Memons have come under that declaration and the Muhammadan law applies to them. We do not give up; we are only trying to apply persuasive methods, voluntary methods, and if any Mussalman who desires to be governed by the Muslim law even with regard to adoption, wills and legacies, he has only got to come and make a declaration immediately after this Bill is passed, and from that moment he will be governed by the Muhammadan law and his minor children. Therefore, let us try this method which has proved to a great extent to be successful, but, if, ultimately, we find that we have exhausted this persuasive and voluntary method, and if this House then thinks that, should be made applicable, we shall consider it. There is no giving up of anything or committing ourselves in any way. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

> "That in clause 2 of the Bill, the words 'wills, legacies' be omitted."

Sir Muhammad Yamin Khan: I am sorry that I did not know that Mr. Jinnah was moving these amendments as the outcome of certain understanding between himself and certain other Muslim Members.

An Honourable Member: A majority.

Sir Muhammad Yamin Khan: May be a majority or a minority, but I have got a right to be heard as individual Member of the House and as a Mussalman and I am not going to be bound by what my Honourable friend may call majority. The majority may be sitting in one Party, and I may be one on this side, but I have to safeguard the interests of Mussalmans in spite of the majority of Mussalmans coming to a contrary decision. I am sorry that whatever arrangement, whatever meeting and whoever might have been fixing all that meting – they should not have thought fit to invite all the Muslim Members to come.....

Mr President: (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into a discussion of any such meeting or any conclusion arrived at any such meeting. It is not binding on any Member of this House.

Sir Muhammad Yamin Khan: Mr. Jinnah gave out that it was not his amendment, but an amendment agreed to by some Mussalman Members.

Mr. M. A. Jinnah: I did not say some. I said that this amendment is not my individual amendment but it emanates because of the consensus of opinion behind it.

Mr. President (The Honourable Sir Abdur Rahim): The fact that other men have agreed to it does not bind any Member.

Mr. M. A. Jinnah: Of course, it does not.

Sir Muhammad Yamin Khan: I am only putting my grievance before Mr. Jinnah, that those persons have ignored the other Mussalmans who were not present.

The point is that I do not want to come in the way of any agreement that may have been arrived at. I quite agree with Mr. Jinnah that if we cannot have 16 annas, we must be willing to get 14 annas at present. I would like one point to be cleared. The Mussalman Members who were present at that meeting may be persons coming from provinces where the Moslem law does not apply. What will happen to the Mussalmans in the provinces where the Shariat law is already in force? There are some Muslims who are governed by Muslim law and some who are not. As far as those persons who are governed by customary law or usage, are concerned, these words ‘wills and legacies’ have been correctly taken out. My difficulty is this. What will happen in those places where the customary law does not prevail? Shall I have to go and make a declaration as soon as this Bill is passed that I am going to be governed so far as wills and legacies are concerned by the Islamic law? Is it going to be made obligatory or concerned by the Islamic law? Is it going to be made obligatory on persons who are not obliged at present to do so to make a declaration? Is that the idea? There is not much difficulty, so far as I am concerned, but if it is going to create a difficulty in the way of other persons, then it will be my painful duty to oppose this amendment, inspite of the fact that certain Mussalmans have agreed to this proposal. Therefore, I want to know what the position is.

Mr. M. A. Jinnah: As far as I can see, I see no difficulty at all. The point is this: Is this really limiting the application of Muhammadan law? This Bill is not intended to limit the application of Muhammadan law. It is intended to extend the application of the personal Moslem law. In other words, those people who are already governed by the Muhammadan law are not touched by this Bill at all. It is only those people who are governed by custom or usage whom we are trying to get hold of. We say that in future the law of intestate succession shall not be according to custom or usage.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member added the word "intestate’ by way of amendment.

Mr. M. A. Jinnah: That is what I am saying. Therefore, we are trying to extend the application of Muhammadan law to those classes who have been hitherto governed by customary law. We have done away with a very important part, namely, the case of intestate succession, because in future no intestate succession can devolve according to custom but according to

Moslem personal law. That we have done.

Mr. President (The Honourable Sir Abdur Rahim): Will not that exclude wills and legacies?

Mr. M. A. Jinnah: Yes, but we are excluding wills and legacies and adoption by whom? — by those people who are, according to customary law, entitled to make wills or to adopt. That does not mean that my friend, who is governed hitherto by Islamic laws, will have to go and make a declaration, although custom is not applicable to him. It is only those who are governed by customary law with regard to wills, adoption and legacies who will have to go and make a declaration that the Moslem personal law should be applied in their case. Therefore, in other words, this Act is not restricting the application of Muhammadan law, but it is enlarging and extending it to those classes who are hitherto governed by customary law.

Mr. President (The Honourable Sir Abdul Rahim): The question is:

> "That in clause 2 of the Bill, the words 'wills, legacies' be omitted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The next amendment is No.12 but the verdict on amendment No.11 excludes it.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Mr. President, with your permission, I have moved my amendment in an amended form.

Mr. R. F. Mudie: I rise on a point of order: Should not be Honourable Member read his amendment?

Maulvi Muhammad Abdul Ghani: Sir, I beg to move my amendment which runs as follows:

"That to clause 2 of the Bill, the following proviso be added:

> 'Provided that section 2 of the Bill shall not in any way affect the rights of Muslims of any province where the Muslim Personal Law (Shariat) is already in force."

....

Mr. M. A. Jinnah: Sir, I have no objection at all to make this clear, but the difficulty I feel is this. You say, in any province where the Muslim law is already in force, but the Muslim law is a personal law, and you cannot say that it is in force in any province. It is not a provincial law. Unless a Statute is passed, there is no provincial law. You cannot have one Muslim law in force in one province and another Muslim law in another province.

Mr. President (The Honourable Sir Abdur Rahim): I understand the object of the amendment is that in provinces where the Muslim law of the *Shariat* is already in force, this Bill will not apply.

Mr. M. A. Jinnah: Quite so.

The Honourable Sir Saiyid Sultan Ahmad: In a province there may be a personal law affecting people generally, and there may be a customary law affecting certain class of people. It is not a territorial law at all.

Mr. M. A. Jinnah: My submission is that it is quite unnecessary, because clause 2 of the Bill, as I have already explained, does not in any way infringe upon the Muslim law wherever it is applicable and to whichever community it is applicable. It only now takes away the usage and the custom.

.....

Mr. M. A. Jinnah: Sir, I move:

"That after clause 2 of the Bill, the following new clauses be added:

'3. (*1*) Any person who satisfies the prescribed authority:

(a) that he is a Muslim, and

(b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872, and

(c) that he is a resident of British India may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.

(2) Where the prescribed authority refuses to accept a declaration under subsection (1), the person desiring to make the same may appeal to such officer as the Provincial Government may, by general or special order, appoint in this behalf, and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.

4. (1) The Provincial Government may make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) for prescribing the authority before whom and the form in which declarations under this Act shall be made;

> (b) for prescribing the fees to be paid for the filing of declaration and for the attendance at private residences of any person in the discharge of his duties under this Act; and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied.
>
> (3) Rules made under the provisions of this section shall be published in the official Gazette and shall thereupon have effect as if enacted in this Act."

In short, this provides, first of all, for a declaration to be made. When a declaration is made, the declarant and his minor children will be governed by this Act in all matters specified in clause 2 in addition to wills, legacies and adoption. All the other parts merely describe the machinery set up for that purpose. Sir, I move the amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:.........

Sir Muhammad Yamin Khan: In spite of my Honourable friend, Mr. Jinnah's assurance that this will not affect the Mussalmans who are already governed by the Muslim personal law at present.......

Mr. M. A. Jinnah: I can give no assurance, but that is my reading.

.....

Mr. M. A. Jinnah: Sir, now that the amendment is carried, the subsequent clause 3 has to be re-numbered as clause 5: otherwise it will stand as clause 3. It is merely consequential. I move:

> "That the present clause 3 be re-numbered as Clause 5."

Mr. President (The Honourable Sir Abdur Rahim):

The question is:

"That the present clause 3 be re-numbered as clause 5."

The motion was adopted.

. . . . .

Mr. M. A. Jinnah: May I request you to sit a little longer in order that we might finish this Bill completely today?

Mr. President (The Honourable Sir Abdur Rahim): I take it that it will suit the convenience of the House if I sit a little longer and finish this Bill.

Honourable Members: Yes.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): I beg to move:

"That the Bill, as amended, be passed."

. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed".

. . . . .

The motion was adopted.

Legislative Assembly Debates, 1937, Vol.V,
pp. 1426-27, 1435-36, 1444-46, 1828-29, 1831-35,
1838-42, 1847-53, 1855-57, 1860, 1863.

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Speech in the Central Legislative Assembly on the Resolution regarding "Constituent Assembly", Simla, September 17, 1937.

Mr. President: (The Honourable Sir Abdur Rahim): Resolutions. I have gone through the Resolution and the amendments: I find that there are three substantial amendments; one is by Mr. Aney, another by Mr. Jinnah and a third by Mr. Gadgil....

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): I am not moving my amendment.

Mr. President (The Honourable Sir Abdur Rahim): What I propose to do after the Resolution is moved is to take up the amendment of Mr. Jinnah – No. 5 on the list of amendments – which strikes me as more comprehensive than the others. Then, Sir Cowasji Jehangir will move his amendment to Mr. Jinnah's amendment. Then, as there is no substantial difference between Mr. Jinnah's amendment and Mr. Husenbhai Laljee's amendment, Mr. Laljee will move his. Then, I will take up the amendment of Mr. Aney. There will then be discussion on the Resolution and all these amendments.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I rise to move:

"That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult franchise."

. . . .

Mr. S. Satyamurti: In all the seven Provincial Legislatures and in Sindh, this Resolution with the words "Constituent Assembly" has been passed already or will very soon be passed. No objection has been taken by any minority, much less by any Moslem minority, in any of these provinces to the phrase "Constituent Assembly". Amendments have been moved and have been accepted or will be moved and will be accepted, but no amendment touches this phrase "Constituent Assembly" and I submit that the Muslim Members of the Provincial Legislatures — I mean no offence to Honourable Members of this House — as a matter of fact represent much larger Muslim separate electorates and represents lakhs and lakhs of Muslim voters throughout the country. (Opposition cries of "Hear, hear")....

Mr. M. A. Jinnah (Bombay City" Muhammadan Urban): That is not correct.

Mr. President (The Honourable Sir Abdul Rahim); Before I call upon Mr. Jinnah to move his amendment, I am not quite sure that I have got a correct copy of his amendment. I find in the amendment the words: "the interests of the Mussalmans and other minorities should be effectively safeguarded only with the mutual consent of the communities concerned." The world "only" conveys to me that unless every community concerned agree to it, there could be no safeguard. I do not know whether that is the meaning of the Honourable Member.

Mr. M. A. Jinnah: The world "only" is superfluous and should be cut out.

Mr. President (The Honourable Sir Abdul Rahim): Very well. You can move your amendment.

Mr. M. A. Jinnah: Sir, I move:

"That for the words 'Constituent Assembly elected on the basis of adult franchise' the following be substituted:

> 'a convention or a conference elected on the basis of electorates as provided in the Communal Award in the absence of any agreement to the contrary and further that the rights and interests of the Mussalmans and other minorities should be effectively safeguarded with the mutual consent of the communities concerned."

I do not know whether you are going to follow the procedure that all the amendments should be formally moved or that I should now move my amendment and proceed with my speech. You will see that a serious difference exists between the Resolution moved by the Honourable Member on behalf of the Congress Party and my amendment. I do not think it will be quite fair that I should be called upon now to speak, because you have on former occasions allowed all the amendments to be moved and then a general discussion took place on the Resolution and on the amendments.

.....

Pandit Lakshmi Kanta Maitra: .... I am in an awful predicament. I now stand here sandwiched between my comrades in arms on the right, the Congress Party, and my friends on the left, the Independent Party of Mr. Jinnah.

The Honourable Sir Nripendra Sircar: And friends opposite! (Laughter)

Pandit Lakshmi Kanta Maitra: That is no surprise to me. But the opposition of the official Congress, even now, is a tragedy...... ..Sir, I am very sorry to note that in the course of the speech made by my Honourable friend, Mr. Satyamurti, for whom I have great respect and admiration, he has made a sort of sneering reference to my Honourable friend, Mr. Aney, for tabling that amendment......

Mr. S. Satyamurti: On a point of personal explanation, Sir. I have too much respect for the Honourble Mr. Aney to make any sneering reference to him now or at any time.

Pandit Lakshmi Kanta Maitra: I am very thankful to him for clearing up the situation. For myself. I was under that impression and it pained me.

Mr. M. A. Jinnah: It was meant for me.

Pandit Lakshmi Kanta Maitra: I hope it was not meant for you either.......

.....

Sir Abdul Halim Ghuznavi:.........There, of course, the caste Hindus lost a few seats, but that was not due to the Muslims. Mahatma Gandhi did it and the Hindus accepted the position. Later on, in England, after the award was published, every effort was made to bring about a settlement between the Hindus and Muslims and every time the Muslims agreed to whatever settlement the Hindus wanted. In fact, an agreement was signed by the Hindus and by the Muslims in the presence of H.H. the Aga Khan in 1933. But, later on, the Hindus backed out again. What are we to do? It is no fault of ours. We did our very best to bring about a settlement, but my Hindu brethren would not agree. Even later on, two years ago, Mr. Jinnah did his very best to bring about a settlement. The whole point was that until an agreed settlement was arrived at, we must, as a minority community, stick to the Communal Award that had been given to us. We cannot do without it. I did not know what was the formula that was discussed by Mr. Jinnah and Mr. Rajendra Prasad, but I find from the *Leader* that the formula that Mr. Jinnah accepted was......

Mr. M. A. Jinnah: No.

Sir Abdul Halim Ghuznavi: Then, I am sorry. The Congress must show its *bona fides* by its action, and not by words, that they are prepared to help the minorities. What have they done in the six provinces where they have accepted office?

Do they really enjoy the confidence of the minority communities in those provinces? Do the minority communities feel satisfied that their interests would be adequately protected? No.

The Legislative Assembly Debates, 1937,
Vol.V, pp. 1889-90, 1897, 1906, 1923.

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Reply to an address presented to him at a reception held in his honour, Simla, September 18, 1937.

"There is no difference between the ideal of the Muslim League and that of the Congress or any other recognised political organisation in the country, the ideal being complete freedom for India. There cannot be any self-respecting Indian who favours foreign domination or does not desire complete freedom and self-government for his country."

"The question to consider", said Mr. Jinnah, "was how to achieve this ideal. I honestly tell you," he added, "that no one dislikes the present conditions more than myself, but at the same time I hold that the realities must be faced. There can be no solution if people continue to believe in the principle of acquisition first and distribution afterwards or in the latest dictum, 'possession first and partition afterwards'. What is required is to evolve a mentality by which our people can think only in terms of citizenship.

"I may add that our country is not alone in this problem. Other countries had to face similar problems. England had its Roman Catholics and Protestants and Canada its British and French. But they ultimately solved their problems and I make bold to say that we can also solve this problem. I, therefore, appeal to every patriotic Indian that, instead of fighting for a distant ideal to mould the whole of India into mere citizens when the Hindus will cease to be Hindus and Mussalmans. Mussalmans politically, let us first solve this problem of the minorities.

Why The League?

"I have repeatedly been asked why there should be a Muslim League. My answer is that those who question the existence of the League should read its constitution and ideal. They will honestly find that there is no difference between the ideal of the League and that of the Congress or any other political organisation. The election manifesto, speeches of prominent Muslim League members would test the testimony that we wanted to send in the legislatures men who were patriotic nationalists and independent.

"It will be conceded that there is an undesirable element in the Muslim community just as there is an undesirable element in any other community in India. Our aim and purpose has been to weed out this undesirable element from the public life of the country and only have a body of men who will be independent, self-less and think and act in terms of nationalism. With this view I also hold that Hindu leaders and Muslim leaders can exercise greater influence over members of their community and this is possible under the present conditions by means of separate organisations.

"This to my mind is the best and quickest road to advance and the realisation of our goal. Because when we have hammered out the best minds of the Hindus and the Mussalmans it will and must lead more quickly towards unity and a united front which is essential for our struggle. This is reality and the shortest road, while the other is ruin and will lead us to the longest road.

"It is no crime if I wish to make my community strong as long as my activities are not anti-national, are not obstacles in the way of the freedom of the country and not against any community. If I make my community strong, independent and patriotic during my life-time I will feel that the purpose of life has been achieved and I have not lived in vain, and if Mr. Bhulabhai Desai can achieve the same for his community he would have done his part.

The Main Work

"Separate electorates or no separate electorates, we then both will first work for the freedom of our country. But the freedom of our country does not mean freedom for the majority and the rule of the majority. I may assert that even the ordinary majority can be extremely oppressive and tyrannical. It, therefore, stands to reason that the majority, with a fundamentally different culture, traditions, social life and outlook always tries to force its ideals on the minorities.

"Historical instances come from Czechoslovakia. That country is governed by a sovereign majority, while we are all slaves, and yet two million Germans out of 14 million Czeches and Slavs had apprehensions and fears of the majority. After a long and strenuous struggle, and, no doubt, under pressure from the League of Nations, which is responsible for the protection of the minorities in sovereign States and with backing from the German nation, this small German minority compelled the sovereign majority to guarantee to it security of its culture and language. Is this religious? Is this communalism?

"Germans, Czeches and Slavs are all Christians. They are more homogeneous than any community in India. They dress alike, eat alike, live alike and inter-marry and yet their fear and apprehensions of the destruction of their culture and language had to be removed. In the same way the Mussalmans want that their religious culture, language and political existence in national life should be adequately and effectively safeguarded. There is no communalism or religion involved in this demand.

"It was pure and simple a question of the minorities which had to be faced by statesmen in other countries and was to be solved. In conclusion I may state that none desire a settlement with the majority community more than myself. I want unity. I want a united front. So does the other community and party, but our definition of what is fair and just has come to bear a different meaning, interpretation and standard. If India is to have freedom – and there is no self-respecting man who does not desire the freedom of his motherland – then the problem of the minorities must be solved bravely and justly and must be solved at once. In any honest attempt towards the solution of this problem other communities and parties will not find the Mussalmans or myself lagging behind."

The Civil & Military Gazette, September 21, 1937.

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Message on the occasion of the establishment of the Punjab Muslim Students Federation, September 25, 1937.

"The crying need for the Mussalmans is to organise themselves and stand on one platform and under one flag of the only organisation of the Muslims, namely, the All-India Muslim League. Our hope lies in our young men who will soon have to bear the burden and responsibility of the immediate future. I feel that in the present conditions and the way in which things are moving, if the Muslims are not organised and solidarity and unity is not established, they are likely to be crushed, nay, even wiped out of their proper place in the national affairs of the country and of the Government that is set up and may be set up hereafter. I therefore, appeal to you youngmen not to be led away by visionary ideas but act as practical men in the light of realities which face us. I wish you all success."

The Daily Tribune, October 1, 1937.

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Presidential Address delivered at the 25th Session of the All-India Muslim League, Lucknow, October 15, 1937.

Ladies and Gentlemen,

This session of the All-India Muslim League is one of the most critical that have ever taken place during its existence for the last more than thirty years.

The policy and the programme that you are called upon to formulate and lay down involves the fate and the future of the Mussalmans of India and the country at large. On 12th April, 1936, the Muslim League at its session, for the first time in its history, undertook the policy and programme of mass contact. The League considered the prevailing conditions and surveyed the situation as we had to face the forthcoming elections on the eve of the inauguration of the new Provincial Constitution embodied in the Government of India Act, 1935, and it had no alternative but to enter the field and contest the elections to the Provincial Legislatures. It was also felt that there was no alternative but to utilise the Provincial Constitution for what it was worth, although it was far from being satisfactory. I may here reproduce the resolution that was passed on 12th April

1936:-

> "Whereas the Parliamentary System of Government which is being introduced in this country with the inauguration of the new Constitution presupposes the formation of parties with a well-defined policy and programme which facilitate the education of the electorate and co-operation between groups with approximate aims and ideals and ensures the working of the Constitution to the best advantage; and whereas in order to strengthen the solidarity of the Muslim community and to secure for the Muslims their proper and effective share in the Provincial Governments, it is essential that the Muslims should organise themselves as one party, with an advanced and progressive programme, it is hereby resolved that the All-India Muslim League do take steps to contest the approaching provincial elections, and for this purpose appoint Mr. Jinnah to form a Central Election Board under his presidentship, consisting of not less than 35 members, with powers to constitute and affiliate Provincial Election Boards in various provinces, having regard to the conditions of each province and devise ways and means for carrying out the aforesaid objects."

Mulsim League Boards And Elections

In pursuance of that decision, the Muslim League Central Parliamentary Board was established in June 1936, and also in various provinces Provincial Boards were established to give effect to the resolution and the instructions of the League. It was not done without difficulty and it was no small task to be performed, in the absence of any previous preparations or any existing efficient organisation and machinery. It was a stupendous undertaking to contest elections in all the provinces especially when Mussalmans all over India are numerically in minority and weak, educationally backward, and economically nowhere. There never had been made any systematic effort for their social and economic uplift, whereas our sister communities have gone far ahead with their organisations and the systematic programme supported by a large bulk of people, especially the Hindus, who are not only in a majority but better trained, more disciplined and far better equipped educationally, economically and financially.

But here I may mention that within a short time of about six months' work, before the elections were over, the results were very hopeful, and there is no need for us to despair. In each and every province where a League Parliamentary Board was established and the League Parties were constituted we carried away about 60 to 70 per cent of the seats that were contested by the League candidates, and since the elections were over I find that hundreds of District Leagues have been established in almost every province from the farthest corner of Madras to the North-West Frontier Province. Since April last the Mussalmans of India have rallied round the League more and more and I feel confident that once they understand and realise the policy and programme of the Muslim League, the entire Mussalman population of India will rally round its platform and under its flag. The Muslim League stands for full national democratic self-government for India.

A great deal of capital is made as to phrases more for the consumption of the ignorant and illiterate masses. Various phrases are used such as *Purna Swaraj*, *self-government*, *complete independence*, *responsible government*, *substance of independence* and *dominion status*. There are some who talk of complete independence. But it is no use having complete independence on your lips and the Government of India Act, 1935, in your hands! Those who talk of complete independence the most, mean the least what it means. Was the Gandhi-Irwin Pact in consonance with complete independence? Were the assurances that were required before the offices would be accepted and the Provincial Constitution could be worked consistent with *Purna Swaraj*, and was the resolution after the assurances were refused accepting offices and working the Provincial Constitution enacted by the British Parliament and forced upon the people of India by the imperialistic power in keeping with the policy and programme and the declarations of the Congress Party? Does wrecking mean working? These paper declarations, slogans and shibboleths are not going to carry us anywhere. What India requires is a complete united front and honesty of purpose and then by whatever name you may call your government is a matter of no consequence so long as it is a government of the people, by the people, for the people.

The present leadership of the Congress, especially during the last ten years, has been responsible for alienating the Mussalmans of India more and more by pursuing a policy which is exclusively Hindu, and since they have formed the Governments in six provinces where they are in a majority they have by their words, deeds and programme shown more and more that the Mussalmans cannot expect any justice or fair-play at their hands. Wherever they are in majority and wherever it suited them, they refused to co-operate with the Muslim League Parties and demanded unconditional surrender and signing of their pledges.

The demand was insistent: abjure your party and forswear your policy and programme and liquidate Muslim League; but where they found that they had not a majority like the North-West Frontier Province, their sacred principle of collective responsibility disappeared and promptly the Congress Party was allowed in that province to coalesce with any other group. That any individual Mussalman member who was willing to unconditionally surrender and sign their pledge was offered a job as a minister and was passed off as a Mussalman minister, although he did not command the confidence or the respect of an overwhelming majority of the Mussalman representatives in the legislature. These men are allowed to move about and pass off as Muslim ministers for the "loyal" services they have rendered to the Congress, by surrendering and signing the pledge unconditionally and the degree of their reward is the extent of their perfidy. *Hindi* is to be the national language of all India, and the *Bande Matram* is to be the national song, and is to be forced upon all. The *Congress flag* is to be obeyed and revered by all and sundry. On the very threshold of what little power and responsibility is given, the majority community have clearly shown their hand that Hindustan is for the Hindus; only the Congress masquerades under the name of nationalism, whereas the Hindu Mahasabha does not mince words. The result of the present Congress Party Policy will be, I venture to say, class bitterness, communal war and strengthening of the imperialistic hold as a consequence. I dare say that the British Government will give the Congress a free hand in this direction, and it matters very little to them, nay, on the contrary, it is all to the good, so long as their interests, imperial or otherwise, are not touched and the Defence remains intact, but I feel that a fearful reaction will set in when the Congress has created more and more divisions amongst Indians themselves, and made the united front impossible.

Here it will not be out of place to state that the responsibility of the British Government is no less in the disastrous consequences which may ensue. It has been clearly demonstrated that the Governors and the Governor-General who have been given the powers and special responsibility to safeguard and protect the minorities under the Constitution which was made so much of by Lord Zetland, the Secretary of State for India, during the controversy of the assurances demanded by the Congress Party, have failed to use them and have thereby been a party to the flagrant breach of the spirit of the Constitution and the instrument of instructions in the matter of appointment of Muslim ministers. On the contrary, they have been a party to passing off men as Muslim ministers by appointing them as such, although they know full well that they do not command the confidence of the Muslim representatives or the public outside. If, in a matter like this, the Governors have shown their utter helplessness and disregard for their sacred obligations which were assumed by the British Government for the protection of minorities, could they be able to afford protection in hundred and one other matters which may not come up to the surface to be known in the day-to-day working of the Legislatures and the administrative machinery? These are very serious and noteworthy signs of the time. The one wholesome lesson that I ask the Mussalmans to learn, before it is too late, is that the path before the Mussalmans is, therefore, plain. They must realise that the time has come when they should concentrate and devote their energies to self-organisation and full development of their power to the exclusion of every other consideration. I have pointed out before that a section of Mussalmans is divided, that there is a group that stands with face turned towards the British. If they have not learnt by now of the bitter consequences they will never learn. God only helps those who help themselves. There is another group which turns towards the Congress and they do so because they have lost faith in themselves. I want the Mussalmans to believe in themselves and take their destiny in their own hands. We want men of faith and resolution who have the courage and determination and who would fight single-handed for their convictions, though at the moment the whole world may be against them. We must develop power and strength, till the Mussalmans are fully organised and have acquired that power and strength which must come from the solidarity and the unity of people.

No settlement with majority community is possible, as no Hindu leader speaking with any authority shows any concern or genuine desire for it. An honourable settlement can only be achieved between equals, and unless the two parties learn to respect and fear each other, there is no solid ground for any settlement. Offers of peace by the weaker party always means confession of weakness, and an invitation to aggression. Appeals to patriotism, justice and fair-play and for goodwill fall flat. It does not require political wisdom to realise that all safeguards and settlements would be a scrap of paper, unless they are backed up by power. Politics means power and not relying only on cries of justice or fair-play or goodwill. Look at the nations of the world, and look at what is happening every day. See what has happened to Abyssinia[1]; look at what is happening to China[2] and Spain3 and not to say of the tragedy of Palestine to which I shall refer later.

The Congress High Command speaks in different voices. One opinion is that there is no such thing as Hindu-Muslim question, and there is no such thing as Minorities' question in the country. The other high opinion is that if a few crumbs are thrown to the Mussalmans in their present disorganised and helpless state, you can manage them. They are sadly mistaken if they think that the Mussalmans can be imposed upon. The All-India Muslim League has now come to live, and play its just part in the world of Indian politics and the sooner it is realised and reckoned with the better it will be for all interests concerned. The third opinion is that there is no light to be seen through the impenetrable darkness; but as the Congress goes on acquiring

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1. Abyssinia (now called Ethiopia) was invaded by Italy in 1935. The Italians occupied most of the country until 1941.
2. China. Japan invaded Manchuria in 1932 and open war between China and Japan began in 1937.
3. Spain. A civil war erupted in 1936 as the republicans opposed the nationalists who, led by General Franco received arms from Hilter's Germany and Mussolini's Italy. The Republicans received aid from Soviet Union. The Naitonalists achieved victory in 1939.

strength and power, so the past promises of the blank cheques remain unfilled and unsigned.

I want the Mussalmans to ponder over the situation and decided their own fate by having one single, definite, uniform policy which should be loyally followed throughout India. The Congressite Mussalmans are making a great mistake when they preach unconditional surrender. It is the height of a defeatist mentality to throw ourselves on the mercy and goodwill of others and the highest act of perfidy to the Mussalman community; and if that policy is adopted, let me tell you, the community will seal its doom and will cease to play its rightful part in the national life of the country and the Government. Only one thing can save the Mussalmans and energise them to regain their lost ground. They must first recapture their own souls and stand by their lofty position and principles which form the basis of their great unity and which bind them in one body-politic. Do not be disturbed by the slogans and the taunts such as are used against the Mussalmans, — *Communalists*, *toadies*, and *reactionaries*. The worst *toady* on earth, the most wicked *communalist* to-day amongst Muslims when he surrenders unconditionally to the Congress and abuses his own community becomes the nationalist of nationalists to-morrow! These terms and words and abuses are intended to create an inferiority complex amongst the Mussalmans and to demoralise them; and are intended to sow discord in their midst and give us a bad name in the world abroad. This is the standard of propaganda which can only be treated with contempt.

The All-India Muslim League certainly and definitely stands to safeguard the rights and interests of the Mussalmans and other minorities effectively. That is its basic and cardinal principle. This is the *casus belli*. That is why the Muslim League and those who stand by it have incurred the displeasure of the Congress, for what else are we doing which the Congress objects to? The Congress is doing exactly what we decided two years ago. The League is not going to allow the Mussalmans to be exploited either by the British Government or any other party or group inside the lagislatures or outside. The Congress with all its boasts has done nothing in the past for the Mussalmans. It has failed to inspire confidence and to create a sense of security amongst the Mussalmans, and other minorities. The Congress attempt under the guise of establishing mass contact with the Mussalmans is calculated to divide and weaken and break the Mussalmans, and is an effort to detach them from their accredited leaders. It is a dangerous move but it cannot mislead anyone. All such manoeuvres will not succeed, notwithstanding the various blandishments, catchwords and slogans. The only honest and straightforward course is to give the minorities a fair deal. All talk of the hunger and poverty is intended to lead the people towards socialistic and communistic ideas for which India is far from prepared. The Muslim League in the present conditions considers the policy of direct action as suicidal and futile. Two such attempts have hitherto failed and have entailed untold misery and suffering to the people, and it had to be wound up; after two decades of persistent efforts in that direction with the result that a more reactionary Constitution is forced upon the people, and the Congress is working it now.

To ask, by a resolution, the Governor-General to convey to the Secretary of State for India to call a constituent assembly on the basis of adult franchise is the height of all ignorance. It shows lack of any sense of proportion. A constituent assembly can only be called by a sovereign authority and from the seat of power — a special body of men chosen as the representatives with the authority of the sovereign people, to frame such constitution for the government of the country as they may think proper, whose function then ceases and the constitution so framed by them would automatically take its place and function as the constitution of the government of its country. Who is to constitute the electorates on the basis of adult franchise, and how many representatives will be chosen by these electorates constituted on the basis of adult franchise, and what will happen to the minorities in such constituencies, and what will the electorates understand, and how will they make their choice of this special body of men with final authority and power to frame the constitution of this great subcontinent? Who will direct the machinery to choose the special body of men with representative authority to frame such constitution as they may think proper? Who will set in motion the machinery? And, above all, what will happen to the minorities in such a body? Is the Congress really serious that the Secretary of State is going to carry out all these requirements when, only a few days ago, the representative of the British Government speaking with the highest authority, His Excellency the Viceroy, said that he was full of hope that they might succeed in securing the Federation of India in the near future, that when he came out to India he had expressed the hope that the scheme of federation was on the whole one calculated to secure federation within a reasonable time after the inauguration of Provincial autonomy, and that his experience of the last 18 months had confirmed him in that view regarding the establishment of federation within a reasonable time?

Taking the country as a whole, the Congress is still far from occupying the seat of authority, and it is a travesty of realities to think of British Government calling a constituent assembly and as for the ability of the Congress to do so is pure moonshine. Let the Congress first bring all principal communities in the country and all principal classes of interest under its leadership. To ask the foreign Government, who is the ruling and sovereign authority in this country to convene such a body before even the communal problem has been solved and before all important communities in India have accepted the leadership of the Congress is like putting the cart before the horse, and not to forget that one-third of India stands on very special footing constituting the Indian States and ruling Princes.

Instead of ploughing the sands, let the Congress at least concentrate and see that the all-India Federation scheme embodied in the Government of India Act, 1935, which is more reactionary than even the present Central Constitution, is not brought into being, as now it is so emphatically and confidently asserted by those who speak with authority on behalf of the British Government that it is soon going to be inaugurated. What is the Congress going to do? Do they think that they can single-handed as a party prevent it? Or will some other formula be evolved and the Congress quietly accept it as a *fait accompli*, as it has done the Provincial Constitution, in spite of all the ranting of some of the foremost leaders of the Congress against it?

May I now turn and refer to the question of Palestine. It has moved the Mussalmans all over India most deeply. The whole policy of the British Government has been a betrayal of the Arabs from its very inception. Fullest advantage has been taken of their trusting nature. Great Britain has dishonoured her proclamation to the Arabs which had guaranteed them complete independence for the Arab homelands, and the formation of an Arab Confederation under the stress of the Great War. After having utilised them, by giving them false promises, they installed themselves as the mandatory power with that infamous Balfour Declaration[*], which was obviously irreconcilable and incapable of simultaneous execution, and having pursued the policy to find national home for the Jews, Great Britain now proposes to partition Palestine, and the Royal Commission's recommendation completes the tragedy, and if given effect to, it must necessarily lead to the complete ruination and destruction of every legitimnte aspiration of the Arabs in their homeland; and now we are asked to look at the realities. But who created this situation? It has been the handiwork of and brought about sedulously by the British statesmen. The League of Nations has, it seems, and let us hope, not approved of the Royal Commission's scheme and a fresh examination may take place. But is it a real effort intended to give the Arabs their due? May I point to Great Britain that this question of Palestine, if not fairly and squarely met, boldly and courageously decided, is going to be the turning point in the history of British Empire. I am sure I am speaking not only of the Mussalmans of India but of the world, and all sections of right thinking and fair-minded people will agree when I say that Great Britain will be digging its grave if she fails to honour her original proclamation, promises and intentions — pre-war and even post-war — which were so unequivocally expressed to the Arabs and the world at large. I find that a very tense feeling of excitement has been created and the British Government, out of sheer desperation, are resorting to repressive measure and ruthlessly dealing with the public opinion of the Arabs in Palestine. The Muslims of India will stand solidly and will help the Arabs in every way they can in their brave and just struggle that they are carrying on against all odds. May I send them a message on behalf of the All-India Muslim League of cheer, courage, and determination in their just cause and struggle which I am sure they will win through.

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[*] Arthur James Balfour, British statesman, on November 2, 1917, when promoted by the Zionist leaders, he wrote a letter to the head of the English branch of the Jewish banking family, that contained the so called Balfour Declaration. This declaration, pledging British and for world Jewry in Palestine, gave great impetus to the establishment of the state of Israel.

To the Mussalmans of India in every province, in every district, in every tahsil, in every town, I say, your foremost duty is to formulate a constructive and ameliorative programme of work for the people's welfare and to device ways and means for social, economic and political uplift of the Mussalmans. We shall not hesitate to co-operate with any party or group in any practical and constructive programme for the welfare and advance of the provinces or the country. I entreat and implore that every man, woman and child should rally round one common platform and flag of the All-India Muslim League. Enlist yourselves by hundreds and thousands as quickly as you can as members of the All-India Muslim League, Provincial Leagues and District Leagues. Organise yourselves, establish your solidarity and complete unity. Equip yourselves as trained and disciplined soldiers. Create the feeling of an *esprit de corps*, and of comradeship amongst yourselves. Work loyally, and for the cause of your people and your country. No individual or people can achieve anything without industry, suffering and sacrifice. There are forces which may bully you, tyrannise over you and intimidate you and you may even have to suffer. But it is by going through this crucible of fire of persecution which may be levelled against you, the tyranny that may be exercised, the threats and intimidations that may unnerve you, and it is by resisting, by overcoming, by facing these disadvantages, hardships, and by suffering and maintaining your true convictions and loyalty that a nation will emerge worthy of its past glory and history and will live to make the future history greater and more glorious not only in India but in the annals of the world. Eighty millions of Mussalmans in India have nothing to fear. They have their destiny in their hands, and as a well-knit, solid, organised, united force can face any danger, and withstand any opposition to its united front and wishes. There is the magic power in your own hands. Take your vital decisions – they may be grave and momentous and far-reaching in their consequences. Think hundred times before you take any decision, but once a decision is taken, stand by it as one man. Be true and loyal, and I feel confident that success is with you."

"All India Muslim League, Lucknow Session, October 1937, Presidential Address by Mr. M. A. Jinnah", Printed & Published by S. Shamsul Hassan, Assistant Secretary, All India Muslim League at Mulsim League Printing Press, Daryagany, Delhi, 1945, pp. 1-16.

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Interview to the Associated Press, Lucknow, October 19, 1937.

Interviewed by the Associated Press, Mr. M. A. Jinnah said: "In accordance with the resolution authorising me as President to appoint from amongst members of the Council of the All-India Muslim League a committee in every province to organise provincial, district and primary Leagues, I have constituted a committee for the United Provinces and will do so with regard to various provinces as soon as possible and announce the personnel of the committees.

"The task before us now is to organise Mussalmans all over India according to the new constitution that has been framed and adopted by the League. I expect every member of the League and Mussalmans generally all over India to strengthen the All-India Muslim League so that resolutions that we have passed may be translated into action and given effect to."

Asked, when he would choose members of the Working Committee, Mr. Jinnah said that he would require some time to choose the personnel as it would represent various provinces and it would be the All-India Muslim League Working Committee. (A.P.)

The Civil & Military Gazette, October 20, 1937.

166

Speech at a public meeting Bijnor, October 20, 1937

"*Charkha* will not win independence for India, Hindu-Muslim unity will, but the Congress is indifferent to Hindu-Muslim unity", declared Mr. M. A. Jinnah President of the All

India Muslim League, addressing in Urdu a public meeting held under the presidentship of Maulana Shaukat Ali.

Continuing, Mr. Jinnah said that "Pandit Jawaharlal Nehru thought that there were only two parties – Britishers and the Congress in the country. There was a third party, namely eight crore Mussalmans whose existence the Congress refused to admit. The Muslim League would prove that there was a third party whom nobody could ignore. The Muslims from every nook and corner of the country gathered under the flag of Islam at the Lucknow session. The need at this moment was to close up the Muslim ranks and work for the economic and political programme of the League." (A.P.)

The Civil & Military Gazette, October 23, 1937

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Speech in reply to the address presented by the Muslim Citizens of Patna, Patna, October 25, 1937.

Khan Bahadur Ibrahim Hussain presented the address on behalf of the Muslim citizens of Patna.

"Bengal is being attacked by the Congress press and platform but if any ministry has done anything to ameliorate the conditions of the poor it is the Bengal Ministry," said Mr. M. A. Jinnah replying to the address presented to him by the Muslim citizens of Patna in the Anjuman-i-Islamia Hall. Mr. Jinnah proceeding said "we yearn for independence more than Hindus but want to keep the rights of nine crores of Muslims alive. Islam undoubtedly teaches to be freedom-loving and so we want freedom but we want a freedom in which we should not be salves of Hindus."

Continuing he said, that the time had changed. Under the new Constitution any legislation can be passed by the majority in the legislature. He pointed out that he tried to make efforts for compromise but his efforts failed and the Communal Award was given to them and Muslim accepted it for what it was worth. He said that though here was nothing of much good for Muslims in the Award still the Mahasabha and the Congress were trying to crush it down. He further said that there was always appeal for trusting the majority for the rights of Muslims. Muslim who were in minority were naturally afraid of the majority. Muslims did not want simply to put their trust in the majority but they should be given the same rights as minorities in Canada and Egypt. Simply assurances by Hindu leaders were not enough. The assurances must be given practical shape and no practical shape would be given to them unless Muslims established their own solidarity and organised themselves. It was exactly this all-India Muslim solidarity and organization for which the Muslim League stands.

In seven provinces, he stated, the Congress had assumed power and the result was that they wounded Muslim feelings and sentiments by singing *Bande Mataram* as national anthem and forcing Hindi on Muslims as national language.

The Star of India, October 28, 1937.

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Speech in reply to the Address presented to him by the Bihar Muslim Students Federation, Patna, October 25, 1937

Mr. M. A. Waris read out the address on behalf of Muslim Students' Federation of Bihar.

Replying to the address presented to him by the students Mr. Jinnah said, "I am at the moment a servant of the Muslim League. The difference between the Muslim League and the Congress is that I mean what I say while the Congress does not mean what it says. The Congress has supreme confidence in its followers. We, Muslims, however, are fallen backward. We may have always honesty of purpose. We are on the chessboard of politics and our dreams cannot be realised by mere wish. It requires great patience, diplomacy and struggle to come out successfully. He welcomed students taking practical view of things although youths would not be youths unless they dreamt dreams. Concluding he said that the Congress would always get angry when told that there was more than one party but as a matter of fact there were four parties – the Muslims, the Hindus, the Native States and the British. A realistic politics of India must be built on the full recognition of these four basic political factors.

The Star of India, October 28, 1937.

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Speech at a meeting, Patna, October 27, 1937

"When the Hindus blame us, do you know what they mean? They want you to be reduced to a minority in the Punjab, Bengal, Sind and N.W.F.P. They have majority in seven provinces where Providence has given them overwhelming majority. They know that in the Punjab and Bengal they can swamp the Muslim majority under the device of joint electorate. Here is the proof. When we get separate electorate, what is the policy of the League? I ask my Hindu friends to read the League resolutions over and over again. They will then find that the policy of the Muslim League is one of the full-blooded Nationalism. Why can't they yet co-operate with us and insist on joint electorate?" declared Mr. M. A. Jinnah, President of the All India Muslim League, in the course of his speech at *Rizwan*, the house of the late Syed Hasan Imam.

Thanking the citizens of Patna for according him a "magnificent reception" on his arrival he said:

"I know that that reception was not given to me. I know the significance and the inner meaning of that reception. It is not because I am Mr. Jinnah but because of the policy and the programme of the Muslim League. You have demonstrated your approval in the fullest degree this morning. It is one more signal of encouragement to me to work with all the more energy for the policy and programme I stand for. It seems that the issues — the vital issues, the paramount issues — issues which are matters of life and death to the Muslims, — I venture to say, not only to the Muslims but to the country that we live in — these issues, I am now beginning to see, are being clarified. The more they are clarified the easier it will be for the communities to find a solution of them.

"I am not a poet. I am not an orator. I can only reason. One gentleman here has characterised me as the Mustafa Kamal Pasha of India. I wish I were Mustafa Kamal. In that case I could easily solve the problem of India. But I am not. I have not the army behind me. Therefore, I have got to reason. My strongest and longest gun is this reasoning. I want you, therefore, to realise that with our shortcomings, with our weaknesses we are just on the fringes of organising our community. It is a stupendous task. But with your assistance and support, I shall be able to accomplish it.

The Real Issue

"What is it we are fighting for? What is the real issue before us? I have lived all my life, – it cannot be said that I have ever thought otherwise than to fight, and , if necessary, to die for the freedom of my country. Two year ago I was the same Mr. Jinnah as I am today. Two years ago I was also president of the Muslim League. Since 1913, I have always stood for what is the creed of the Muslim League, namely, that the rights and interests of the Muslims and other minorities must be safeguarded. I have not changed. Yet two years ago I was the hero of nationalism. If you look up the papers – the same papers which are now abusing me and vilifying me, – you will see that they were all holding me up as the hero of heroes of the nation.

"What have I done since? During the last two years one important event has happened. A new constitution has been framed and introduced in India. Under that constitution my community was hopelessly placed. Numerically in a minority, educationally backward, economically nowhere, and financially almost bankrupt, we had to run the election under the new constitution on the basis of separate electorate.

"You are told day in and day out that separate electorate is vicious in principle, that it is holding up national progress and national advance. Let me tell you, and you take it from me that I am not in the habit of making wrong statements, far less untrue statements. Let me tell you that you will find it in the report of the Round Table Conferences that I and the Muslim delegates stood for joint electorates over and over again, but that it was rejected. Let me tell you that we are not so much under the obsession of separate electorate. But we do not want to be deceived by the slogans and catchwords of 'Nationalism'. We do not want to be absolutely swamped away.

"When the Hindus blame us, do you know what they mean? They want you (Muslims) to be reduced to a minority in the Punjab, Bengal, Sind and the N.W.Frontier Province. They have majority in seven provinces where providence has given them overwhelming majority. They know that in the Punjab and Bengal they can swamp the Muslim majority under the device of joint electorate. Here is the proof. When we get separate electorate what is the policy of the League? I ask my Hindu friends to read the League resolutions over and over again. They will then find that the policy of the Muslim League is one of full blooded nationalism. Why can't they yet co-operate with us and insist on joint electorate?

"Anyway, we put up our candidates who were pledged to that policy and programme of the Muslim League. I should have thought that the Congress should have regarded it as a very great advance indeed. Instead of that what did they do? For a short time they did not quite see the things. After a short time they thought that this means organising the Muslims. And then they tried to put up some candidates. These candidates in most places were defeated. After we secured a fairly substantial success, the Congress leaders came forward and became very solicitous and anxious to establish mass contact with the Muslims.

"I ask, did the Congress take any interest in the Muslims before? I ask the Congress leadership, will they point out to me what have they done to promote the interests of the Muslims during the last 20 years? Mass contact; they say! The Muslims in the past have been in the no-man's land. Having no organisation, no system, their leaders were exploited either by the British Government or by the Congress to the fullest extent. It was only with the coming of the League that the Muslim came to his own. He came to feel, I am the owner — it is my land and I will not allow anyone to trespass on it. But what do we get from the Congress? The Congress says, Oh! the League is the organisation of the upper middle classes who do not represent the Muslim masses; they are only reactionaries, toadies and flunkeys. The Congress says that Mr. Jinnah is going to be swallowed up by these toadies and flunkeys. But I tell them that

Mr. Jinnah is not going to be swallowed up by toadies and flunkeys. There are toadies and flunkeys among both Hindus and Muslims and we shall put them in their proper places.

See the Monstrosity

"But we hear of mass contact. For what? To get hold of men who will be their creatures, who will sign their pledge, take up their programme and sing *Bande Mataram*. Just see the monstrosity of this. The majority of the Muslims have no confidence in those Muslims who are willing to sign the pledge to work out the policy of the Congress. Yet these are just the persons who are accepted as Ministers – Muslim Ministers at that. This is adding insult to the injury. It is following the policy of the ostrich. They think that we are all fools. They say, here is a Muslim Minister. That man struts about in the province as a Muslim Minister. He manages somehow or other. He betrays the party whose pledge he signed. He says he has changed his views; he says he does not agree with the party any more not because we have done anything wrong, for we have not done anything at all. Yet such a man is made to pass as a Muslim Minister!

"This, I say, is adding insult to injury. The Congress is following this sort of policy. They know full well that these are not real coins, these are counterfeit coins, spurious coins. They do not command the confidence of the Muslim public, – the majority of the Muslims have no confidence in them. Yet they are passed as representatives of Muslims and the world sought to be convinced that the Congress represents not only Hindus but also Muslims!

Congress Creatures Game

"This is one attitude. We are a disorganised community. We are weak. And of course there is temptation of position, posts and pay. These attract some people. The Congress therefore says, let us see how many more creatures of this kind we can secure to our side so as to show that we represent not only Hindus but also the Muslim community. This is the game which is now being played at Bijnor.

"It is the biggest folly that they are doing. I am confident that they can't possibly succeed in imposing themselves on Muslims like that. Nor can those who take our votes at the time of election by signing our pledge and then join another party with the policy of which we do not agree. How long, I ask, can these tactics, these manoeuvres succeed?

"These are, however, small matters. What is the biggest issue — most vital issue? That is the question of the safeguarding of the rights and interests of the Muslims and other minorities. Those of you who have any knowledge of the history of the world will know that India is not the only country where we are talking about the protection of the minorities. Why here do we talk about it? For this is reason we have got a democratic form of government and as time passes we will get more and more of responsible government. That system of government, however, is worked by majority votes. It is the majority votes that will decide. In that system of government the question is rising — not once or twice, but several times in every country, in every part of the world. The same question is rising in India. It is no use shirking that main question. I know what some people on the Congress side say. They say well, why not do what happened in Poland, Czechoslovakia and such other countries for the solution of minorities problem. But I must remind them of what Lord Morley once said that the fur-coat of Canada cannot be worn in India with a temperature of 108 degrees. India is to solve its minority question having regard to the peculiar conditions and circumstance in this country. There are not two countries who have solved the minority question exactly on the same lines. Canada, Egypt, Czechoslovakia — all have different solutions. We will have our own solution too. This minority question has got to be settled according to the condition, according to the genius of the people – according to the circumstances that are to be found here.

"We tried our best to find a solution of this problem in London at the time of the Round Table Conference by agreement. We failed, I do not want to say who is to blame for the failure but the fact is we failed. Therefore, the British Government have given to blame; after all we could not come to an agreement; here is the Communal Award. I should have thought that common sense and ordinary intelligence would make any man here say: Well, never mind who is to blame; after all we could not come to an agreement; here is the Communal Award although I do not deem it a worthy gift – I do deny, however, that it is detrimental to the real interests of the Hindus of this country – well, I should have thought that a great mind will say, God willing, we will come to our own settlement; in the meantime, let us accept it for what it is worth and in the meantime let us have no rest until we have got a better substitute – an agreed substitute.

Nehru's Essays On 'Award'

"But no. Instead of that we have a raging and tearing propaganda on behalf of the Hindu Mahasabha against the Communal Award. Sometimes it is difficult to find out who is a Hindu Mahasabhaite and who is a Congress man. The greatest leader who is regarded as next to Gandhiji, – this great leader of the Congress, when the Communal Award is to be fought, becomes a Hindu Mahasabhaite. He takes the lead to destroy the Award. What forces are let loose against it? In the back vanguard of the Hindu Mahasabha, after a great deal of consideration and cogitation, a wonderful formula is produced that, since the Congress claims to represent the whole of India, it shall not express any opinion regarding the Award – that it neither accepts nor rejects it.

"Then there was a row in the Congress circles. You know that at the election time, Pandit Jawaharlal Nehru had to write three essays to formulate and define the attitude of the Congress towards the Communal Award. The Congress has now declared that it is equally against the Communal Award. Well, have you any proposal to make as a substitute? What are we told? Oh! You are talking nonsense, you are introducing religion in politics; there is no such thing as minority question at all, the issue before the country is hunger and poverty of the masses; it is only an economic issue. I ask you is this really an honest answer?" (Voices – No, no.)

"The question, therefore, for the Muslims and other minorities is of life and death. Why do I say this? It is a historical fact that even an ordinary majority, – an overwhelming majority – is likely to be oppressive and tyrannical. How much more is the danger when the majority consists of those whose religion, whose culture, whose philosophy, whose language, whose ordinary life, whose outlook – daily outlook – is fundamentally different from those of the Muslims? What will be the position of the Muslims if that majority is going to decide everything for us? Are we wrong, are we unreasonable when we say that we are not prepared to trust this majority's goodwill and that we want our rights and interests to be incorporated in the Constitution itself. That is really the point in general, that is really the fight, that is really the issue.

"If you want instances of the oppression of the minorities by a majority, I can give any number of them. Take the case of America. America won her independence by a revolution. That country is now a free country. There, a great leader, Abraham Lincoln, declared at the time of the revolution that America wanted government of the people, by the people and for the people. On that declaration independence was won. But did the minorities there get freedom? America is not inhabited by white men alone. There are millions of Negroes living in America. Have they got freedom? Whose freedom it is that America has won? It is the freedom of the white man, not of the black man. Similarly in India too it may be the freedom of the Hindus alone and not of the Muslims.

"Take another instance. South Africa has complete self-government. Do you know that our nationals in South Africa can be numbered in lakhs? That country is free; that country is independent. Do you know how Indians are treated in that free and independent country? Have Indians there got freedom? Have they got any political franchise? I am giving you these instances to show how millions can be reduced to the position of slavery and political serfdom in the country in which they live. These things have been done and may be done again in India.

"Take our own country. My heart beats as strongly for the Depressed Classes as for the Muslims. The Depressed Classes in this country live in shameful serfdom. Sixty millions of them had no political franchise or municipal franchise. Can they live within the limits of a village? Can they draw water from the same well? They are looked upon as Pariahs. Such a state of affair exists today in this country. Therefore, remember this: If you are not strong, if you are not united, if you do not build up your organization, by system and method, you will submerged by the Hindus in this country and reduced to a class of Shudras and Pariahs of the future.

"I cannot believe it is possible that the Congress leadership does not understand this issue. But I do not want to attribute motives. I take it, however, that they do not understand. I take a charitable view of them and accept that they are foolish. So let us make these foolish people understand that the only way to get national freedom is to come to a settlement with Muslims."

Stronger Will Be Muslims

Proceeding, Mr. Jinnah said: "The Congress has to learn a great deal. It is following the policy of a crude beginner. The Congress thinks that bullying will do. It thinks that intimidation, threats and a certain amount of tyranny will do make Muslims hesitate and fall back. These are the methods which have been tried by the British Government also. But I say from this platform, I am convinced that the more you bully, the more you intimidate, the more you tyrannise, the stronger will be the Muslims. We want to keep our position as a class. We refuse to submit to any party or community. We are ready as a class to collaborate for joint action, but we refuse to follow the commands of Wardha or even of Mahatma Gandhi."

Concluding, Mr. Jinnah said: "The Muslims heart is throbbing for a fight for the freedom of the country. If you want their cooperation, then change your policy. No arrogance, no bullying from above. Come down to earth and take your proper place. And then we will march with you in the battle for independence."

In the course of his concluding observations Mr. Jinnah said that there was no such thing as goodwill, fair play and justice in politics. He was not prepared to be satisfied with any assurance. He wanted the rights and interests of the Muslims being incorporated in the constitution itself.

The Star of India, November 1, 1937.

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Message to the Muslim Students Federation, Bihar, Patna, Cctober 28, 1937

"I wish the Muslim Students Federation of Bihar all success. I expect every Muslim to rally round the All India Muslim League flag. Organisation, solidarity and unity of the Muslims should be yours."

The Star of India, November 3, 1937.

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Speech at a Public meeting, Patna, October 28, 1937

"Brothers in faith, I belong to Bombay and so I beg to be excused for placing my thoughts before you in broken Urdu. The enthusiastic reception given to me by the Muslims of Patna and other places means that they are willing to work on the League platform and under its banner."

Proceeding, he said that the League formerly used to pass resolutions relating to Muslim rights and demands and urging the Government to grant them. At that time the League had not launched any mass contact campaign. The Muslim community, he opined, was disunited and disorganised. They were lacking in education and crippled in finance. Therefore when the new Constitution was inaugurated, finding that under it things will be decided by the majority of votes, the League set up an election board of its own to organise and fight the elections. But that idea was not relished by the Congress. The Congress did not like to see Muslims united and strengthened. The Congress started creating disruptions and dissensions among Muslims. The Congress did not like that Muslims should become one irresistible force and voice. In fact, the Congress had not recognised that there was anything as minority question. He remarked that so long as Muslims were not united, organised and strengthened, so long as they did not sink their differences and come into one fold, there was no hope for them. Unity is strength and with strength the objective can be achieved.

Proceeding, he referred to the 'Communal Award' and the Congress attitude towards it and said that Muslims were asked to join the Congress unconditionally. Continuing, he appealed to the Muslims to organise themselves and open branches of the Muslims League throughout the province enrolling members in lakhs. He said that if they would be organised they would have nothing to fear.

Mr. M. A. Jinnah, thanking the orphans of the City Muslim Orphanage who presented him a cap in momento of his visit to the city, said that he wished them to be in future soldiers and the National Guards of the League.

Concluding, he said: "I appeal to you in all earnestness to unite and organise. The situation is serious and the issues are vital. If you neglect them now you will be lost for ever. And so rally round the Muslims League."

The Star of India, November 3, 1937.

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Speech at a public meeting, Bombay, November 3, 1937

"It breaths of arrogance and a patronising spirit." This is Mr. Jinnah's reaction to the Congress Working Committee's resolution on the *Bande Mataram* as expressed by him at a public meeting of Muslims under the auspices of the Bombay Presidency Muslim League.

Presentation of Silver Casket

Sir Ali Muhammad Khan Dehlavi presided. A sliver casket representing a miniature fort and tower symbolising the

Muslim League was presented to Mr. Jinnah.

Mr. Jinnah said: "I would appeal to every Hindu to dispassionately study the inward meaning of the Lucknow session. I would challenge any impartial critic who does not say that the Lucknow session stands for the freedom of this country, for the unity of this country and that Lucknow does not want that one party should dominate over every other party. The resolutions of the Working Committee and the A.I.C.C., proceeded Mr. Jinnah, "have shown that they have not taken the trouble or cared to understand the inwardness of the Lucknow session. I am sure anyone with any intelligence will agree with me that those resolutions, specially with regard to the *Bande Mataram* and on the minorities question, show a very pitiable mentality. It breaths of arrogance and patronising spirit.

With regard to Federation, Mr. Jinnah said it was the most extraordinary resolution that the Committee had passed. It seemed that all of a sudden it had discovered that it was not possible for the Congress alone to prevent the Federal Scheme. Instead of going one step further having realised that the Congress alone could not do it, the next step was to make an honourable settlement with the Muslim League. But unfortunately no efforts were being made towards this end: "The mentality is in the song *Bande Mataram* that they would rather be slaves of the British than come to an honourable settlement with the Muslims."

Mr. Jinnah reiterated that the Muslim League stood second to none in the fight for the freedom of the country. (A.P.I.)

The Star of India, November 4, 1937.

173

Address to the Osmania University Union, Hyderabad (Dn.), December 16, 1937

The need for the organisation of Hindus as well as Muslims for their respective economic, social and educational developments was stressed by Mr. M. A. Jinnah, President of the All India Muslim League, in an address to the Osmania University Union.

Mr. Jinnah said that communalism was not created by anyone. It existed for centuries. Equality and fraternity must be achieved first after which they could consider the question of liberty. The study of world politics was, he added, important for students but active participation in politics was inadvisable. (A.P.)

The Statesman, December 17, 1937.

174

Statement regarding pronouncements of Mr. Kher and Sardar Patel, Calcutta, December 25, 1937

"My attention has been drawn to the pronouncements made by the Hon. Mr. B.G. Kher and Sardar Vallabhai Patel on the need for Hindu-Muslim unity at the meeting of the Young Muslim Brotherhood. For the first time I hear the name of this association. But it seems that the two eminent leaders considered it advisable to make the pronouncements at such a gathering.

"My Kher indulged in general platitudes. He assured the gathering that the Ministry was doing its best to bring together the two communities and that they would do everything humanly possible to that end. I wish he had given some idea of the ways and means and the *modus operandi* which he was likely to follow. Similarly Sardar Vallabhai Patel gave the age long old and repeated causes which came in the way of unity. In conclusion he said: 'Although the Constitution was imperfect and imposed on the country, the Congress had accepted office to do what little good they could. Without the full confidence and support of the Muslims, the Ministry would be able to achieve nothing.' I wonder what was the object of these pronouncements. Surely one would expect something better. Sardar Patel knows perfectly well that the Muslims cannot be satisfied by common place talk, to put it in his own words 'Muslims thought that Hindus were men of honied words.'

Muslims' Rights

"Muslims have made their position clear. They want not only a complete protection for their religion, culture and language but their political rights and interests should also be safeguarded adequately and effectively in the Constitution itself which may be adopted hereafter; and that in the present Constitution Muslims do not wish to be drawn to appeal to the Governor who alone can redress by the exercise of his special power any wrong or injustice that may be done to them by the majority. They therefore desire that the Congress Party should come to terms with them in the working of the present Constitution for what it is worth. I am sure intelligent Muslims will not be impressed with the repeated plea put forward by some of the leaders of the Congress that they stand for fair play and that the Muslims should have trust and confidence in them. That is not enough in the present existing conditions." (A.P.)

The Statesman, December 26, 1937.

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Speech at a public meeting, Calcutta, December 25, 1937.

Mr. Jinnah said that the Muslim League and the Muslims of India stood for equality, fraternity and liberty. They were ready to co-operate with their sister communities in this country but on terms of equality and not on terms of subordination. They were ready to fraternize with them and march along with other people for the liberty of this country. But it was not to be a "Hindu Raj." It should be the "Raj of the people of this country." That was what the Muslim League stood for; that not only their religion, culture and language be protected but their political rights and interests must be safeguarded, that was the principle for which they were fighting. There were many people, he continued, who either evaded or ignored that issue. Those who said that it was against nationalism when Muslims asked for safeguards did not mean "nationalism of the country, but what they meant was Hinduism."

"Remember", he went on, "that the Government of the various provinces and the Central Government which may come hereafter, is the Government which will decide questions according to the majority they command and that majority decision is binding on everybody. We know that we have got a little majority in Bengal and also in the Punjab. It is no majority – 50 to 51 per cent is no majority at all. But what about the provinces where the Muslims are in a hopeless minority? What protection, what security and guarantee have we got there that there will be fair play under the rule of the majority? Those who shut their eyes to this issue are doing the greatest harm not only to their own community but to the country as well. It is for that reason that we have come into the field and we ill make our Hindu friends understand that they are going on a wrong path and that the right path is to listen to us."

Proceeding, Mr. Jinnah warned them against being misled by false ideas and wrong issues and said that the Muslims of India could no longer be imposed upon. He threw out a challenge to Pandit Jawaharlal Nehru to come and sit with him and together formulate ameliorative measures for the immediate relief of the poor. They were ready, but they were not to be 'bamboozled' in the name of poverty and hunger to forget everything else and commit suicide. His fight was not with the Hindus but with the Congress leadership. There were many Hindus who deplored the present policy of the high command of the Congress but their voice [illegible] the wilderness. In the circumstances, Mr. Jinnah concluded the best course for the Muslims was to unite under the banner of the Muslim League not only in the interests of the community alone but also in the best interest of the country to which they belonged.

The Star of India, December 27, 1937.

176

Speech at the inaugural session of the All India Muslim Students Federation Conference, Calcutta, December 27, 1937.

Mr. M. A. Jinnah in the course of his speech said that last year he presided over the Lucknow session of the All India Students Federation which was opened by Pandit Jawaharlal Nehru. But now he was presiding over the All India Muslim Students Federation. What was the reason? Mr. Jinnah explaining the circumstances which had forced him to change his mind and revise his opinion said that he had come to the deliberate conclusion that there was no alternative to escape and no honourable course open for the Muslims but to organize on separate lines and first set their house in order. As none was caring to do anything for their good and uplift they must organise for self-defence and self-help. It was not to be done by anybody else for them. Nobody would do it for them. Nobody had done it for them in the past. He had deliberately come to the conclusion that unless they woke up and organised themselves and developed themselves and qualified themselves nobody could have respect or care for them.

All-India Federation Lucknow

Last year Mr. Jinnah wished Godspeed to the All India Students Federation with the hope that the task of bringing the Hindus and Muslims on a common platform which the elders had failed to accomplish will be effected by the youth of India. But he was soon disillusioned. The authorities of the All India Students Federation managed to pass all resolutions and execute all business while he was occupying the presidential chair but the election of the office-bearers was held only when he had left the Conference. Next morning he was informed by the Muslim students that the Hindu students had managed to totally exclude the Muslim students from the posts of office-bearers and members of the executive.

Equal and Honourable Terms

In the present conditions of things it was difficult for the Muslim and Hindu communities to work in co-operation, in harmony and in unity in all matters. He had life-long experience and enough patience and had made great efforts to work together with members of the other communities on equal, fair and honourable terms. "But I am sorry to say." said Mr. Jinnah, "that I have failed so far. This exactly has been the fate of Muslim Young men and Students." The Muslim youth had now started the Muslims Students Federation. He wished them to go on with organizing themselves although they should never fail to co-operate with any other sister community whether they were young or old men, on equal and honourable terms.

"While we want to raise ourselves to the highest stature, our hand of co-operation for the good of our province and country is always fully stretched but on equal terms. We are not going to be subdued or to be the camp followers or slaves or the subject race of "Hindu Raj."

Communalism and Nationalism

Mr. Jinnah then inviting Syed Abdul Aziz, (Barrister-at-Law, Patna, Ex-Minister of Education Bihar) to deliver his inaugural address, paid glowing tributes to his All-India fame for his great record of services in the cause of national welfare and nationalism. Mr. Aziz., said Mr. Jinnah, was a "Nationalist" and so was he. (Mr. Aziz: "I think we are still true and sincere Nationalists). I mean Mr. Aziz was a 'Nationalist'. In the sense that he was recognised as such by even the Hindus. But unfortunately the conditions had forced men like the speaker and Mr. Aziz to unite on a communal platform of Muslim students.

"I welcome Syed Abdul Aziz as one of the communalists," said Mr. Jinnah, "If for demanding a rightful place for Muslims in the Government of the country and in other spheres of life, I am dubbed a communalist, I plead guilty to the charge; if for taking steps to raise the members of my community socially, politically and economically, I am called a communalist, I will gladly accept that appellation. The truth is that in the present atmosphere of our country it is becoming very very difficult for two sister communities to work in harmony and unison in almost all matters and I am convinced there is no other course open to us except to organise ourselves through separate organization like the All India Muslim Students Federation. But while we will go on in this way we shall never fail to co-operate with any other sister community on equal and honourable terms. Only we are not going to be camp followers and slaves under a Hindu Raj," concluded Mr. Jinnah.

The Star of India, December 28, 1937.

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Speech at the second session of the All India Muslim Students Federation Conference, Calcutta, December 28, 1937

"Now that the Muslims desire, and I think they rightly desire, that if the Muslims are not prepared to destroy their culture, laws, faith and everything that they consider precious as a minority, they must insist that there must be safeguards in the constitution which must be adopted hereafter to the fullest extent and that they were agreed that India should be fully independent and self-governing nation. I want to tell the Muslim community in India that they must not be left in the position of the Negroes of America. We want the Government which Abraham Lincoln wanted and that was a Government of the people by the people and for the people. But when Abraham Lincoln conceived that noble form of Government, he excluded from its people the Negroes of America. Many of my Hindu friends who talk of nationalism and freedom and independence, excluded the Muslims from its domain. That is the fundamental and vital difference between the Congress High Command and the Muslim League. I know that many Hindus agree with me fully and wholeheartedly, but at the present moment their voice was either silenced or drowned and it was merely a cry in the wilderness. The High Command of the Congress must be brought to sense. Ours is a just position and if we are united, we have nothing to fear. If we are united and thoroughly organized under the Muslim League, I am confident that a large body of Hindus will agree with us that the Congress High Command must be brought to senses," said Mr. Jinnah in the course of his outspoken speech at the second sitting of the all India Muslim Students Federation Conference.

The aims and objects of the Muslim League did not fall short of the aims and objects of the Congress or any other political organisation of the country. But in spite of the fact that there was the common political objective the Muslims could not forget the realities and actualities that were facing them at the present moment.

Mr. Jinnah had not changed in the slightest degree since 1913 when he affirmed that in any constitution that might be framed for the Government of the country and by whosoever there should be adequate safeguards for the rights and interests of the Muslims because they were a minority and it was on that basis that the Lucknow Pact was brought about in 1916. This Pact was the basis of the programme of both the Congress and the League and according to its principles various unity conferences were called and various efforts made to found an agreed formula for the purpose of safeguarding the rights and interests of all minorities in India.

This went on until the High Command of the Congress specially for the last five or six years openly discarded this basic and fundamental item of the policy and programme of the Congress and took up an attitude that there was no such thing as minority question at all. "One of the fundamental and vital differences between the League and the Congress was that they not only believe that there is such a thing as minority question in India but also that it is a matter of life and death with the Muslims."

Tyrannical Majority

Emphasizing the need of special safeguards for the minorities in India under a democratic government Mr. Jinnah said that whether it would succeed or not or it would flourish on the Indian soil or not the form of Government that they had in India was a democratic parliamentary government, a system which their Masters, the British, had in their country. "If that Government is to function it must be by a majority and they in India know that the majority are the Hindus. I do not consider that the Hindus are different from any other human beings, but human nature being what it is and from their experience it can be said that the majority would be arrogant, tyrannical and likely to ride roughshod over the minority. To make the Parliamentary Government a success a powerful opposition is necessary. That is in respect of ordinary majority where a large body of voters from 80 p.c. to 90 p.c. are required to cast their votes not as Hindus, Muslims or Parsis but as citizens of the country. But in India they have got voters who are divided as Hindus and Muslims and the like. They are not dealing in India only with educated, advanced and a well trained electorate. But even if they would have to deal with such voters so long they are believers in one particular faith – and faith is an important factor – so long they are brought up in one particular culture, philosophy and social life and if members of that particular faith formed the Government it is but natural that there would be bound to influence the Government, enforce their own culture, philosophy from the very threshold of the limited power that they may acquire. We have already proof of this in the matter of singing *Bande Mataram* and in the compulsory learning of Hindi or Hindustani. They cannot realize in the first flush of their victory and they cannot believe that there can be somebody else to whom all these were monstrous.

Situated as the Muslims were in India and taking into consideration that the voters were not going to vote or act as pure citizens the first thing in their fight was the question – if they were going to fight for the freedom of their country what would be their position in the Government and the administration of their country?

Abolition of Poverty

Mr. Jinnah congratulating the Federation said that the youth in the country had been exploited and was being exploited and would have been exploited and they of the Federation had rescued the innocent who were collected there for being slaughtered.

Warning the youth against catchwords and slogans, Mr. Jinnah said how in the name of nationalism, freedom on the one hand and in driving out the Nawabs, and Rajas and Maharajahs, Zamindars, capitalists on the other, the emotion and the spirit of the youth in the country were being exploited. Princes and Rajas, Nawabs and Maharajahs, said Mr. Jinnah, had been dubbed as bloodsuckers and the youth had been asked to clear them off. Congress was the only body, they had been told, which could remove hunger and poverty. But when and how? Somebody asked that question to Pandit Jawaharlal Nehru and the latter replied that it would be within his lifetime. He wished long life for the Pandit. When the Congress would be able to destroy everybody who was somebody in the present-day India and turn the country into a desert to call a constituent assembly to frame a constitution for the country? But having said all these what the Congress did in fighting the elections, in accepting the office and things like that. What had been done for the Kisans, the section 144 was still there, the Criminal Law Amendment Act was still there and the hunger and poverty were all there. As regards Federation, when Lord Lothian landed at Bombay, he gave a party and for what purpose they could well surmise. In the circumstances, said Mr. Jinnah, let them not be bamboozled and let them go slow and think a little.

The struggle that they were carrying on could not be more effective so long as they did not in the first instance concentrate and apply all their energy and all their attention to the solution of the minority problem. All the talks in the absence of that settlement were bunkum. He was making the greatest contribution to the advancement of real nationalism if he could by some method make the Congress High Command and the Hindu public generally understand and win them over or bring them round by some means to the question of the minority problem and then march on the road. If the question could be solved they would have a clear road to march on to the goal of full independence.

Muslims Nowhere

But in order to make the Hindus understand the Muslims the first thing that the Muslims should do was to win self-respect for them by doing spadework for the development of their community economically, socially, and educationally. He did not grudge nor envy. On the other hand he welcomed when he noticed in every district and small town and even in village thousand of selfless Hindu workers engaged in the work of uplifting the people. All credit to them. But what about the Muslims. What were they doing? The conditions of Muslims villagers was heart-rending but there was none to come to his rescue. Even the Congress which called itself national and nationalistic did not bother itself with the Muslim masses until of late. Before the Muslim League came into the field the Congress took no special interest for the Muslims in the countryside. They had started what they called the Muslim Mass contact but which really was a "Massacre contact".

For all this constructive work there must be Muslim workers who would not enjoy any limelight or spotlight but would by their selfless devotion build the foundation of a great society. In this work neither their teachers would stand in their way nor the Congress Government.

The Muslims at present were nothing and nowhere! They counted nothing. They were nobody. But on the other hand there was the Congress which was not only 50 years old but was an organisation which nothing could hinder. Only a few days ago while coming to Calcutta, a Hindu gentleman was telling him that a nameless gentleman had contributed more than five lakhs of rupees for the Congress work.

The Muslims had nothing but a wretched press in the country. The Congress commanded a powerful Press whose business was to misrepresent everybody else. If the Muslims wanted to give any reply to them there was no place where they could get it published.

Patrika's Misrepresentation

Only yesterday the *Amrita Bazar Patrika* had made a statement which was absolutely untrue. He did not know whether the writer was an ignorant fellow or a day-dreamer or he had been fooled by somebody else. He did not want to be offensive because he did not believe in offensiveness. The *Patrika* had told him that while he wanted that, if three-fourths of the Muslim members in the legislature consider a particular measure detrimental to or against their interests, that measure should be dropped, Mahatma Gandhi went further and lowered this proportion from three-fourths to two-thirds to meet his wishes. Mr. Gandhi or the Congress had not given him either two-thirds or three-fourths and therefore the statement of *Patrika* was untrue. This was not the single misstatement. In its comments the *Patrika* had further stated that the Congress or the Hindus had agreed upon his Fourteen Points. If there be any representative of the *Patrika* here let him please ask his Editor to correct this. Mr. Gandhi or the Congress never agreed to any term at all. Having said all these, the *Patrika* asked him what more could he want? Was that fair? He could tell the Editor of the *Amrita Bazar Patrika* that neither Mr. Gandhi nor the Congress nor the Hindu Mahasabha had agreed to any single term any time up to date.

He asked the audience to look at its arrogance. Had not the Congress, wrote the *Patrika*, told the Muslims that it would give them protection in regard to their religion, culture and language? Did it forget that the Congress had no sovereign power or authority, did it forget that the Congress were working a wretched constitution? Were the Congress in a position to say with the sovereign authority? Was this the way to come to a settlement and solve the minority problem?

"All that I have done is that I have the alarm bell. The bell is still ringing but I do not yet find the fire brigade. I want you to produce this fire brigade, and with them, God willing, I will be able to extinguish the fire," concluded dramatically Mr. Jinnah his speech.

The Star of India, December 29, 1937

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Speech in reply to an address of welcome presented to him by the Memon Community, Calcutta, December 31, 1937

An address of welcome was presented to Mr. Jinnah by the Memon community of Calcutta at a gathering attended by Memons, Khojas and Bohras at Albert Hall. The function was presided over by Seth Adamjee Hajee Dawood. Some of the Ministers including the Premier were present.

In reaffirming their faith in the correct lead given by Mr. Jinnah to the Muslims of India it was observed in the course of the address that the only way to a satisfactory solution of the important problem of the minorities was the one, unerringly indicated by Mr. Jinnah under the banner of the All India Muslim League, the negation of which was bound to retard the *progress of India.*

"I appreciate the spirit," said Mr. Jinnah in reply, "and the spirit is that you have shown in a very marked manner an appreciation of what I am doing. The memon community is essentially a business community and as a business community it has produced magnates like Seth Adamjee Hajee Dawood." He was impressed by the fact that business people were also roused and were understanding political issues and attached great importance to the fact that they had put their finger on the right spot, namely, the most important issue of the minorities which the Muslim League stood for. He exhorted the gathering to show their appreciation of his work by wholehearted support by their action and emphasised that the goal the League was working for was not only in the interest of Mussalmans but also was in the interest of the country as the cause was based on justice, honesty and fair play and he believed that it would be recognised by the people before long. (A.P.I.)

The Tribune, January 2, 1938.
